



WINNEBAGO COUNTY

— ILLINOIS —

AGENDA

Winnebago County Courthouse
400 West State Street, Rockford, IL 61101
County Board Room, 8th Floor

Thursday, June 13, 2024
6:00 p.m.

1. **Call to Order** Chairman Joseph Chiarelli
2. **Invocation and Pledge of Allegiance**..... Aaron Booker
3. **Agenda Announcements** Chairman Joseph Chiarelli
4. **Roll Call** Clerk Lori Gummow
5. **Awards, Presentations, Public Hearings and Public Participation**
 - A. Awards – None
 - B. Presentations – None
 - C. Public Hearings – None
 - D. Public Participation – None
6. **Approval of Minutes** Chairman Joseph Chiarelli
 - A. Approval of May 9, 2024 minutes
 - B. Layover of May 23, 2024 minutes
7. **Consent Agenda**..... Chairman Joseph Chiarelli
 - A. Raffle Report
 - B. Auditor’s Report
8. **Appointments (Per County Board rules, Board Chairman appointments require a 30-day layover unless there is a suspension of the rule)**
9. **Reports of Standing Committees**..... Chairman Joseph Chiarelli
 - A. Finance Committee John Butitta, Committee Chairman
 1. Committee Report
 2. Ordinance for a Budget Amendment for State’s Attorney VOCA Grant Renewal to be Laid Over
 3. Ordinance for a Budget Amendment for Bond Paying Agent Fees to be Laid Over

- B. Zoning Committee**Jim Webster, Committee Chairman**
 Planning and/or Zoning Requests:
 - 1. Committee Report

- C. Economic Development Committee.....**John Sweeney, Committee Chairman**
 - 1. Committee Report
 - 2. Resolution Authorizing Execution of a Development Agreement with the Village of New Milford for a \$400,000 Host Fee Loan Pursuant to the Economic Development, Business Incentive and Host Fee Program Policy

- D. Operations and Administrative Committee.....**Keith McDonald, Committee Chairman**
 - 1. Committee Report
 - 2. Resolution Awarding Purchase of Detective Squad Vehicle for Sheriff’s Office using CIP 24 Funds
 Cost: \$49,153
 - 3. Resolution Awarding Purchase of Crime Scene Vehicle for Sheriff’s Office using CIP 24 Funds
 Cost: \$49,298
 - 4. Ordinance Amending Chapter 6 of the Winnebago County Code to Give the Winnebago County Liquor Control Commission the Authority to Grant Exemptions to Section 5/6-11 of the Liquor Control Act of 1934 which prohibits the Sale of Alcoholic Liquor Near Churches, Schools, and Hospitals to be Laid Over

- E. Public Works Committee**Dave Tassoni, Committee Chairman**
 - 1. Committee Report

- F. Public Safety and Judiciary Committee.....**Brad Lindmark, Committee Chairman**
 - 1. Committee Report

- G. Legislative and Lobbying Committee.....**Jaime Salgado, Committee Chairman**
 - 1. Committee Report

10. Unfinished BusinessChairman Joseph Chiarelli

Appointments read in on April 25, 2024

- A. Twelve Mile Grove Cemetery Association, Annual Compensation: None
 - 1. Gordon Dirksen (New Appointment), Pecatonica, Illinois, to serve 6-year term expiring May 2030
 - 2. Mark Hazzard (New Appointment), Winnebago, Illinois, to serve 6-year term expiring May 2030

- B. Cherry Valley Cemetery Association, Annual Compensation: None
 - 1. Ryan Gordon (Reappointment), So. Beloit, Illinois, to serve 6-year term expiring May 2030

- 2. Christopher Nelson (Reappointment), Cherry Valley, Illinois, to serve 6-year term expiring May 2030
- C. Durand Sanitary District, Annual Compensation: \$500
 - 1. Ken Gibler (Reappointment), Durand, Illinois, to serve a 3-year term expiring May 2027
- D. Emergency Telephone System Board, Annual Compensation: None
 - 1. Todd Stockburger (Reappointment), Rockford, Illinois, to serve 3-year term expiring May 2027
 - 2. Edward J. "E.J." Dilonardo (Reappointment), Roscoe, Illinois, to serve 3-year term expiring May 2027
- E. Four Rivers Sanitation Authority, Annual Compensation: \$6,000
 - 1. Richard Mowris (Reappointment), Rockford, Illinois, to serve a 3-year term expiring April 2027

Appointments read in on May 9, 2024

- A. Cherry Valley Fire Protection District, Annual Compensation: \$4,500
 - 1. Steve Schwartz (Reappointment), Cherry Valley, Illinois, to serve a 3-year term expiring May 2027
- B. New Milford Fire Protection District, Annual Compensation: \$1,000
 - 1. Robert Sickler (Reappointment), Rockford, Illinois, to serve a 3-year term expiring May 2027
- C. North Park Public Water District, Annual Compensation: \$1,200
 - 1. Todd Scott (Reappointment), Machesney Park, Illinois, to serve a 5-year term expiring May 2029
- D. Northwest Fire Protection District, Annual Compensation: \$1,000
 - 1. Matt Lawrence (Reappointment), Machesney Park, Illinois, to serve a 3-year term expiring May 2027
- E. Otter Creek Utility Board, Annual Compensation: None
 - 1. Roger Allen (Reappointment), Davis, Illinois, to serve a 5-year term expiring May 2029

Public Works Committee

- A. (24-023) Ordinance Amending Chapter 50, Article IV of the Winnebago County Code and Adopting a Surface Water Management – Fee Schedule Laid Over from May 23, 2024 Meeting
 Cost: \$N/A C.B. District: County Wide

**11. New Business.....Chairman Joseph Chiarelli
 (Per County Board rules, passage will require a suspension of Board rules).**

12. Announcements & Communications Clerk Lori Gummow

A. Correspondence (see packet)

13. AdjournmentChairman Joseph Chiarelli

Next Meeting: Thursday, June 27, 2024

**Awards,
Presentations,
Public Hearings
and Public Participation**

Approval of Minutes

**REGULAR ADJOURNED MEETING
WINNEBAGO COUNTY BOARD
MAY 9, 2024**

1. Chairman Chiarelli Called to Order the Regular Adjourned Meeting of the Winnebago County Board for Thursday, May 9, 2024 at 6:00 p.m.
2. Board Member Webster gave the invocation and led the Pledge of Allegiance.
3. Agenda Announcements: None
4. Roll Call: 16 Present. 4 Absent. (Board Members Arena, Booker, Butitta, Goral, Guevara, Hanserd, Hoffman, Lindmark, McCarthy, McDonald, Penney, Salgado, Sweeney, Tassoni, Thompson and Webster. (Board Members Crosby, Fellars, Nabors, and Scrol were absent.)

AWARDS, PRESENTATIONS, PUBLIC HEARINGS, PUBLIC PARTICIPATION, and PROCLAMATIONS

5. Awards - Corrections Week Proclamation presented to Superintendent Kevin Ogden, Police Week Proclamation presented to Sheriff Caruana and Chief Deputy Rick Ciganek
- Presentations- None
- Public Hearings - None
- Public Participation – None

APPROVAL OF MINUTES

6. Chairman Chiarelli entertained a motion to approve the Minutes. Board Member Guevara made a motion to approve County Board Minutes of April 11, 2024 and layover County Board Minutes of April 25, 2024, seconded by Board Member Thompson. Motion was approved by a unanimous vote of all members present. (Board Members Crosby, Fellars, Nabors, and Scrol were absent.)

CONSENT AGENDA

7. Chairman Chiarelli entertained a motion to approve the Consent Agenda for May 9, 2024. Board Member Thompson made a motion to approve the Consent Agenda which includes the Raffle Report and Auditor's Report, seconded by Board Member McCarthy. Motion was approved by a voice vote. (Board Members Crosby, Fellars, Nabors, and Scrol were absent.)

APPOINTMENTS

8. **Appointments (Per County Board rules, Board Chairman Appointments require a 30-day layover unless there is a suspension of the rule).**

A. Cherry Valley Fire Protection District, Annual Compensation: \$4,500

1. Steve Schwartz (Reappointment), Cherry Valley, Illinois, to serve a 3-year term expiring May 2027

B. New Milford Fire Protection District, Annual Compensation: \$1,000

1. Robert Sickler (Reappointment), Rockford, Illinois, to serve a 3-year term expiring May 2027

C. North Park Public Water District, Annual Compensation: \$1,200

1. Todd Scott (Reappointment), Machesney Park, Illinois, to serve a 5-year term expiring May 2029

D. Northwest Fire Protection District, Annual Compensation: \$1,000

1. Matt Lawrence, (Reappointment), Machesney Park, Illinois, to serve a 3-year term expiring May 2027

E. Otter Creek Utility Board, Annual Compensation: None

1. Roger Allen, (Reappointment), Davis, Illinois, to serve a 5-year term expiring May 2029

REPORTS FROM STANDING COMMITTEES

FINANCE COMMITTEE

9. Board Member Butitta made a motion to approve a Resolution Authorizing a Cost-of- Living Adjustment (COLA) to the Salary for the Winnebago County Supervisor of Assessments, seconded by Board Member Lindmark. Motion was approved by a unanimous vote of all members present. (Board Members Crosby, Fellars, Nabors, and Scrol were absent.)

10. Board Member Butitta read in for the first reading of an Ordinance for a Budget Amendment for Winnebago County Health Department to be Laid Over. Board Member Goral made a motion to suspend the rules, seconded by Board Member Salgado. Motion to suspend was approved by a voice vote. (Board Member Lindmark voted no.) (Board Members Crosby, Fellars, Nabors, and Scrol were absent.) Board Member Butitta moved to approve, seconded by Board Member Thompson. Discussion by Finance Director at the Winnebago County Health Department, Jim Keeler, Chief Financial Officer Schultz, and Board Members Goral, Arena, Sweeney, Penney,

Lindmark, and Webster. Motion was approved by a unanimous vote of all members present. (Board Members Crosby, Fellars, Nabors, and Scrol were absent.)

ZONING COMMITTEE

11. No Report.

ECONOMIC DEVELOPMENT COMMITTEE

12. No Report.

OPERATIONS & ADMINISTRATIVE COMMITTEE

13. No Report.

PUBLIC WORKS COMMITTEE

14. No Report.

PUBLIC SAFETY AND JUDICIARY COMMITTEE

15. Board Member Lindmark announced the Public Safety and Judiciary Committee will meet next Wednesday at 5:30.

LEGISLATIVE AND LOBBYING COMMITTEE

16. No Report.

UNFINISHED BUSINESS

17. **A. Winnebago County Community Mental Health Board Annual Compensation: None**

Board Member Arena made a motion to approve the New Appointment (as listed below), seconded by Board Member Webster. Motion was approved by a voice vote. (Board Members Goral and Hanserd voted no.) (Board Members Crosby, Fellars, Nabors, and Scrol were absent.)

1. Margie Lindmark (New Appointment), Roscoe, Illinois, to serve the remainder of a 4-year term expiring January 2028

NEW BUSINESS

18. (Per County Board rules, passage will require a suspension of Board rules).

ANNOUNCEMENTS & COMMUNICATION

19. County Clerk Gummow submitted the Items Listed Below as Correspondence which were “Placed on File” by Chairman Chiarelli:

A. County Clerk Gummow submitted from the United States Nuclear Regulatory Commission a letter regarding Byron Station-Integrated Inspection Report 05000454/2023004 and 05000455/2023004.

a. Byron Station, Unit1- Notification of NRC Baseline Inspection and Request for Information.

b. Braidwood Station, Units 1 and 2, and Byron Station, Unit Nos, 1 and 2-Audit Plan in Support of Review of License Amendment Request Regarding Revision of Technical Specifications 3.7.15, Spent Fuel Pool Boron Concentration,” 3.7.16, “Spent Fuel Assembly Storage, and 4.3.1: Fuel Storage, Criticality” (EPID L-2023-LLA-0136)

B. County Clerk Gummow received from Theresa Grennan, Chief Deputy Winnebago County Treasurer the following:

a. Collateralization Report – March 31, 2024

b. Investment Report - as of March 31, 2024

c. Winnebago County Treasurer Bank Balances –March, 2024

d. Interest Report- As of March 31, 2024

Board Member Sweeney announced late last year he was nominated to the Quad Cities Regional Economic Development Authority and is looking for projects to present to the Board.

Board Member Goral thanked Chairman Chiarelli for being able to present a Holocaust Proclamation.

Board Member Booker reminded the Board of the Pec Thing, May 18th and 19th.

Board Member Lindmark reminded the Board of Police Week and recognized local enforcement.

ADJOURNMENT

20. Chairman Chiarelli entertained a motion to adjourn. County Board Member Webster moved to adjourn the meeting, seconded by Board Member Guevera. Motion was approved by a voice vote. (Board Members Crosby, Fellars, Nabors, and Scrol were absent.)The meeting was adjourned at 6:30 p.m.

Respectfully submitted,



Lori Gummow
County Clerk

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**REGULAR ADJOURNED MEETING
WINNEBAGO COUNTY BOARD
MAY 23, 2024**

1. Chairman Chiarelli Called to Order the Regular Adjourned Meeting of the Winnebago County Board for Thursday, May 23, 2024 at 6:00 p.m.

Chairman Chiarelli announced the recent passing of Melinda Macias’s father and brother and Debbie Jarvis’s father.

2. Board Member McCarthy gave the invocation and led the Pledge of Allegiance.

Board Member McDonald asked for a moment of silence to reflect on the men and women who have sacrificed to defend our nation.

3. Agenda Announcements: None

4. Roll Call: 17 Present. 3 Absent. (Board Members Booker, Crosby, Fellars. Goral, Guevara, Hanserd, Hoffman, Lindmark, McCarthy, McDonald, Penney, Salgado, Scrol, Sweeney, Tassoni, Thompson and Webster. (Board Members Arena, Butitta, and Nabors were absent.)

AWARDS, PRESENTATIONS, PUBLIC HEARINGS, PUBLIC PARTICIPATION, and PROCLAMATIONS

5. Awards - None

Presentations- None

Public Hearings - None

Public Participation – Tom Walsh, Memorial Day Program May 25 2024, Pro. Discussion by Board members Webster and Penney.

APPROVAL OF MINUTES

6. Chairman Chiarelli entertained a motion to approve the Minutes. Board Member Guevara made a motion to approve County Board Minutes of April 25, 2024 and layover County Board Minutes of May 9, 2024, seconded by Board Member Thompson. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)

CONSENT AGENDA

7. Chairman Chiarelli entertained a motion to approve the Consent Agenda for May 23, 2024. Board Member Webster made a motion to approve the Consent Agenda which includes the Raffle Report and Auditor's Report, seconded by Board Member Thompson. Motion was approved by a voice vote. (Board Members Arena, Butitta, and Nabors were absent.)

APPOINTMENTS

8. **Appointments (Per County Board rules, Board Chairman Appointments require a 30-day layover unless there is a suspension of the rule).**
- A. Sward Sanitary District, Annual Compensation: None**
1. Kelsey Heslop (Reappointment), Pecatonica, Illinois, to serve a 3-year term expiring May 2027
- B. Zoning Board of Appeals, Annual Compensation: \$100 per meeting**
1. Ernest Fuhr (Reappointment), Winnebago, Illinois, to serve a 5-year term expiring May 2029
- C. Win-Bur-Sew Fire Protection District, Annual Compensation: Not to exceed \$1,500 per year, plus 50% if ambulance service**
1. Guy Cunningham (Reappointment), Winnebago, Illinois, to serve a 3-year term expiring May 2027

REPORTS FROM STANDING COMMITTEES

FINANCE COMMITTEE

9. No Report.

ZONING COMMITTEE

10. TA-01-24: An Ordinance Amending the United Development Ordinance (UDO) Regarding Commercial Wind Power Generating Facilities/Wind Farms (aka) Commercial Wind Energy Facilities) and Solar Farms (aka Commercial Solar Energy Facilities) to be laid over, county-wide.

Board Member Webster announced the next meeting will be June 26th.

ECONOMIC DEVELOPMENT COMMITTEE

11. Board Member Sweeney made a motion to approve a Resolution Authorizing a Grant up to Thirty-Thousand Dollars (\$30,000) from Host Fees to Tad More Sustainability Institute (TMSI) to Assist with their Sewing Apprenticeship Program, seconded by Board Member Penney.

Discussion by Board Member Sweeney and Penney. Motion was approved by a unanimous vote of all Members present. (Board Members Arena, Butitta, and Nabors were absent.)

OPERATIONS & ADMINISTRATIVE COMMITTEE

12. Board Member McDonald made a motion to approve a Resolution Authorizing Acceptance of Credit Cards by the Winnebago County Regional Planning and Economic Development and the Winnebago County Highway Department for Permitting Fees, seconded by Board Member Webster. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)
13. Board Member McDonald made a motion to approve a Resolution Awarding Payment Processing Services to Autoagent Data Solutions, LLC (MuniciPAY) for the Winnebago County Regional Planning and Economic Development Department and the Winnebago County Highway Department, seconded by Board Member McCarthy. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)
14. Board Member McDonald made a motion to approve a Resolution Awarding for Joint Painting Services, seconded by Board Member Penney. Motion was approved by a unanimous vote of all member presents. (Board Members Arena, Butitta, and Nabors were absent.)
15. Board Member McDonald made a motion to approve a Resolution Awarding Bid for Joint Carpentry Services, seconded by Board Member Crosby. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)

PUBLIC WORKS COMMITTEE

16. Board Member Tassoni made a motion to approve (24-017) a Resolution Authorizing the Appropriation of Motor Fuel Tax Funds for Phase II Engineering Services for the East Riverside Boulevard Project (Section 21-00624-00-RS), seconded by Board Member Sweeney. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)
17. Board Member Tassoni made a motion to approve (24-018) a Resolution Authorizing the Appropriation of Motor Fuel Tax Funds for Phase 1 Engineering Services for the Owen Center Road Project (Section 22-00712-00-SP), seconded by Board Member Webster. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)
18. Board Member Tassoni made a motion to approve (24-019) a Resolution Authorizing the Award of Bid for Resurfacing Miscellaneous Roads in Harlem Township (Section: 23-00715-00-WR), seconded by Board Member Guevara. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)
19. Board Member Tassoni made a motion to approve (24-020) a Resolution Authorizing the Award of Bid for the Linden Road Widening and Resurfacing Project (Section: 23-00715-00-WR),

seconded by Board Member McCarthy. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)

20. Board Member Tassoni made a motion to approve (24-021) a Resolution Authorizing the Award of Bid for Bulk Rock Salt, seconded by Board Member Hoffman. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)
21. Board Member Tassoni made a motion to approve (24-022) a Resolution Authorizing an Agreement with CES for Professional Land Surveying Services on Roscoe Road (Section: 23-00719-00-SP), seconded by Board Member Lindmark. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)
22. Board Member Tassoni read in for the first reading of (24-023) Ordinance Amending Chapter 50, Article IV of the Winnebago County Code and Adopting a Surface Water Management-Fee Schedule, to be laid over.

PUBLIC SAFETY AND JUDICIARY COMMITTEE

23. Board Member Lindmark made a motion to approve a Resolution Awarding Inmate (and Detainee) Commissary, Banking and Food Services, seconded by Board Member Thompson. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)
24. Board Member Lindmark made a motion to approve a Resolution Authorizing a Five-Year Agreement with Flock Group Inc. for the Deployment of License Plate Readers throughout Winnebago County, seconded by Board Member Booker. Motion was approved by a unanimous vote of all members present. (Board Members Arena, Butitta, and Nabors were absent.)

LEGISLATIVE AND LOBBYING COMMITTEE

25. No Report.

UNFINISHED BUSINESS

26. None.

NEW BUSINESS

27. **(Per County Board rules, passage will require a suspension of Board rules).**

ANNOUNCEMENTS & COMMUNICATION

28. County Clerk Gummow submitted the Items Listed Below as Correspondence which were "Placed on File" by Chairman Chiarelli:

- A. County Clerk Gummow submitted from the United States Nuclear Regulatory Commission the following:
- a. Summary of April 9, 2024, Public Meeting with Constellation Energy Generation, LLC Regarding Escape Hoods (EPID L-2024-LRM-0041)
 - b. Federal Register/Vol. 89, No. 89/Tuesday, May 7, 2024/Notices
 - c. An Application for Amendments to Facility Operating Licenses and Involving Proposed No Significant Hazards Consideration Determination and Containing Sensitive Unclassified Non-Safeguards Information.
 - d. Byron Station-Integrated Inspection Report 05000454/2024001; 05000455/2024001 and 07200068/2024001.
 - e. Federal Register/Vol. 89, No. 94/Tuesday, May 14, 2024/Notices
- B. County Clerk Gummow submitted from Theresa Grennan, Chief Deputy Winnebago County Treasurer the following:
- a. Collateralization Report – March 31, 2024
 - b. Investment Report - as of April 30, 2024
 - c. Winnebago County Treasurer Bank Balances –April, 2024
 - d. Interest Report- As of May 1, 2024
- C. County Clerk Gummow submitted Monthly Reports from the Winnebago County Recorder’s Office and Winnebago County Clerk’s Office for April, 2024.
- D. County Clerk Gummow submitted from Stillman Fire Protection District the following:
- a. Agenda from Decennial Committee Meeting #1 on October 10, 2023
 - b. Agenda from Decennial Committee Meeting #2 on February 13, 2024
 - c. Agenda from Decennial Committee Meeting #3 on April 9, 2024
 - d. Final report/document for the Stillman Fire Protection District Decennial Committee dated April 9, 2024
 - e. Minutes for Meeting #1 on October 10, 2023
 - f. Minutes for Meeting #2 on February 13, 2024
 - g. Minutes for Meeting #3 on April 9, 2024

Board Member spoke of proper Memorial Day flag etiquette.

Board Member Goral asked for information regarding the Memorial Day Parade.

ADJOURNMENT

29. Chairman Chiarelli entertained a motion to adjourn. County Board Member Webster moved to adjourn the meeting, seconded by Board Member Thompson. Motion was approved by a voice

vote. (Board Members Arena, Butitta, and Nabors were absent.)The meeting was adjourned at 6:24 p.m.

Respectfully submitted,



Lori Gummow
County Clerk
ar

CONSENT AGENDA

RAFFLE APPLICATION REPORT

Presently the County Clerk's office has Raffle Applications submitted by
9 different organization for 10 Raffles.

All applying organizations have complied with the requirements of the Winnebago County Raffle Ordinance. All fees have been collected, bonds received and all individuals involved with the raffles have received the necessary Sheriff's Department clearance.

The Following Have Requested A Class A, General License				
LICENSE #	# OF RAFFLES	NAME OF ORGANIZATION	LICENSE DATES	AMOUNT
31115	1	GIGI'S PLAYHOUSE	06/17/24-07/29/24	\$1,800.00
31116	1	ROCKFORD ART MUSEUM	6/14/2024	\$1,500.00
31117	1	ROCKFORD STEEL PIGS	06/01/24-09/28/24	\$700.00
31118	1	ST. STANISCAUS KOSTKA CHURCH	8/11/2024	\$2,000.00
31119	1	ST. STANISCAUS KOSTKA CHURCH	8/11/2024	\$150.00
31120	1	WEST GATEWAY COALITION	06/19/24-09/03/24	\$400.00
31121	1	AAUW- ROCKFORD AREA BRANCH	07/09/24-07/16/24	\$4,999.00
31122	1	FAMILY PEACE CENTER	7/11/2024	\$1,000.00
31123	1	AMERICAN LEGION WALTER GRAHAM AUXILIARY POST #332	9/14/2024	\$100.00
31124	1	CENTER FOR SIGHT AND HEARING	6/24/2024	\$2,500.00
The Following Have Requested a Class B, MULTIPLE (2, 3 OR 4) LICENSE				
LICENSE #	# OF RAFFLES	NAME OF ORGANIZATION	LICENSE DATES	AMOUNT
The Following Have Requested a Class C, One Time Emergency License				
LICENSE #	# OF RAFFLES	NAME OF ORGANIZATION	LICENSE DATES	AMOUNT

The Following Have Requested a Class D,E,& F Limited Annual License

LICENSE #	# OF RAFFLES	NAME OF ORGANIZATION	LICENSE DATES	AMOUNT
31114	1	ROCKTON LIONS CLUB	09/2024-05/2024	\$100.00

This concludes my report,

Deputy Clerk Daisy Carrillo

LORI GUMMOW
Winnebago County Clerk

Date 13-Jun-24

RESOLUTION

TO THE HONORABLE COUNTY BOARD OF WINNEBAGO COUNTY;

Your County Auditor respectfully submits the following summarized report of the claims to be paid and approved:

	<u>FUND NAME</u>		<u>RECOMMENDED FOR PAYMENT</u>
001	GENERAL FUND	\$	1,147,943
101	PUBLIC SAFETY TAX	\$	84,731
103	DOCUMENT STORAGE FUND	\$	29,809
105	VITAL RECORDS FEE FUND	\$	282
106	RECORDERS DOCUMENT FEE FUND	\$	15,797
109	VICTIM IMPACT PANEL FEE	\$	800
114	911 OPERATIONS FUND	\$	35,720
115	PROBATION SERVICE FUND	\$	396
116	HOST FEE FUND	\$	162,335
120	DEFERRED PROSECUTION PROGRAM	\$	7,953
131	DETENTION HOME	\$	22,403
155	MEMORIAL HALL	\$	4,850
161	COUNTY HIGHWAY	\$	516,929
162	COUNTY BRIDGE FUND	\$	849
164	MOTOR FUEL TAX FUND	\$	281,886
165	TOWNSHIP HIGHWAY FUND	\$	112
181	VETERANS ASSISTANCE FUND	\$	16,348
185	HEALTH INSURANCE	\$	193,934
194	TORT JUDGMENT & LIABILITY	\$	23,688
227	2015A DEBT CERTIFICATES	\$	825
254	2020G GO BONDS	\$	825
255	2020B REFUNDING BONDS	\$	825
256	2021A GO REFUNDING BONDS	\$	825
257	2021B GO REFUNDING BONDS	\$	825
301	HEALTH GRANTS	\$	65,995
302	SHERIFF'S DEPT GRANTS	\$	100,000
304	PROBATION GRANTS	\$	59,585
309	CIRCUIT COURT GRANT FUND	\$	29,304
313	AMERICA RESCUE PLAN	\$	7,683
314	CJCC GRANTS FUND	\$	31,810
401	RIVER BLUFF NURSING HOME	\$	595,041
410	ANIMAL SERVICES	\$	34,963
420	555 N COURT OPERATIONS FUND	\$	34,010
430	WATER FUND	\$	7,336
501	INTERNAL SERVICES	\$	87,261
710	ANIMAL SERVICES DONATION FUND	\$	9,811
743	CAPITAL PROJECTS FUND	\$	550,405
	TOTAL THIS REPORT	\$	<u>4,164,094</u>

The adoption of this report is hereby recommended:



William Crowley, County Auditor

ADOPTED: This 13th day of June 2024 at the City of Rockford, Winnebago County, Illinois.

Joseph Chiarelli, Chairman of the
Winnebago County Board of
Rockford, Illinois

ATTEST:

Lori Gummow, Clerk of the Winnebago
County Board of Rockford, Illinois

Appointments

Reports of Standing Committees

FINANCE COMMITTEE



Ordinance Executive Summary

Prepared By: Steve Schultz
Committee: Finance Committee
Committee Date: June 6, 2024
Ordinance Title: Ordinance for a Budget Amendment for State's Attorney VOCA Grant Renewal
Board Meeting Date: June 13, 2024

Budget Information:

Was item budgeted? Yes, through 12/31/23	Appropriation Amount: \$30,087
If not, explain funding source: Federal Grant Funding	
ORG/OBJ/Project Code: 60300 (State's Atty Grants)/various/02120 (VOCA)	
FY2024 Budget Impact: \$119,547	

Background Information: The State's Attorney office has historically received federal funding through the Illinois Criminal Justice Info Authority to provide services to the underserved population of victims of crime. This grant is awarded on a calendar year basis. The State's Attorney Office received renewal funding for 2024 that has not been reflected in the current budget.

Recommendation: Finance Department recommends approval

Contract/Agreement: Not applicable

Legal Review: Not applicable

Follow-Up: Not applicable

2024 Fiscal Year

Sponsored by:
John Butitta, Finance Committee Chairman

Finance: June 6, 2024

Lay Over: June 13, 2024

Final Vote: June 27, 2024

2024 CO

TO: THE HONORABLE BOARD MEMBERS OF THE COUNTY OF WINNEBAGO, ILLINOIS

The Winnebago County Finance Committee presents the following Ordinance amending the Annual Appropriation Ordinance for the fiscal year ending September 30, 2024 and recommends its adoption.

Ordinance for a Budget Amendment for State’s Attorney VOCA Grant Renewal

WHEREAS, the Winnebago County State’s Attorney has historically provided services to the underserved victims of crime through grant awards received from the Illinois Criminal Justice Info Authority. The grant award was renewed for the 2024 calendar year; and,

WHEREAS, the Winnebago County Board adopted the “Annual Budget and Appropriation Ordinance” for the fiscal year ending September 30, 2024 at its September 28, 2023 meeting; and,

WHEREAS, 55ILCS 5/6-1003(2014), states, “After the adoption of the county budget, no further appropriations shall be made at any other time during such fiscal year, except as provided in this Act. Appropriations in excess of those authorized by the budget in order to meet an immediate emergency may be made at any meeting of the board by a two-thirds vote of all the members constituting such board, the vote to be taken by ayes and nays and entered on the record of the meeting.”

NOW, THEREFORE, BE IT ORDAINED, that the County Board deems that pursuant to provisions as set forth in 55ILCS 5/6-1003(2014), certain conditions have occurred in connection with the operations of the County which are deemed to be immediate emergencies; therefore, the increases detailed per the attached Request for Budget Amendment are hereby authorized for Amendment **#24-007 State’s Attorney VOCA Grant Renewal**.

AGREE

DISAGREE

JOHN BUTITTA, CHAIR

JOHN BUTITTA, CHAIR

JAIME SALGADO, VICE CHAIR

JAIME SALGADO, VICE CHAIR

JEAN CROSBY

JEAN CROSBY

JOE HOFFMAN

JOE HOFFMAN

KEITH McDONALD

KEITH McDONALD

JOHN F. SWEENEY

JOHN F. SWEENEY

MICHAEL THOMPSON

MICHAEL THOMPSON

The above and foregoing Ordinance was adopted by the County Board of the County of

Winnebago, Illinois this _____ day of _____ 2024.

ATTESTED BY:

JOSEPH CHIARELLI
CHAIRMAN OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

LORI GUMMOW
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

2024
WINNEBAGO COUNTY
 FINANCE COMMITTEE
 REQUEST FOR BUDGET AMENDMENT

DATE SUBMITTED:		5/23/2024			AMENDMENT NO: 2024-007			
DEPARTMENT:		State's Attorney			SUBMITTED BY: J Hanley			
FUND#:		0303-State's Atty Grants Fund			DEPT. BUDGET NO. 60300-State's Atty Grants			
Department Org Number	Object (Account) Number	Project Number	Object (Account) Description	Adopted Budget	Amendments Previously Approved	Revised Approved Budget	Increase (Decrease)	Revised Budget after Approved Budget Amendment
Expenditures								
60300	41110	02120	Regular Salary	\$22,742	\$0	\$22,742	\$94,562	\$117,304
60300	41221	02120	Life Insurance	\$23	\$0	\$23	\$85	\$108
60300	48211	02120	Health Insurance	\$5,305	\$0	\$5,305	\$14,000	\$19,305
60300	48220	02120	Indirect Costs	\$0	\$0	\$0	\$10,900	\$10,900
Revenue								
60300	32110	02120	Federal Operating Grants	(\$30,087)	\$0	(\$30,087)	(119,547)	(\$149,634)
TOTAL ADJUSTMENT:							\$0	
Reason budget amendment is required:								
The State's Attorney office received a one-year renewal for their Victims of Crime Act grant funded through the Illinois Criminal Justice Info Authority effective 1/1/2024 - 12/31/2024. The renewal status was unknown when the FY24 budget was created.								
Potential alternatives to budget amendment:								
None								
Impact to fiscal year 2024 budget: \$119,947								
Revenue Source: Federal grant funding								



Ordinance Executive Summary

Prepared By: Steve Schultz
Committee: Finance Committee
Committee Date: June 6, 2024
Ordinance Title: Ordinance for a Budget Amendment for Bond Paying Agent Fees
Board Meeting Date: June 13, 2024

Budget Information:

Was item budgeted? No	Appropriation Amount: \$0
If not, explain funding source: Various corresponding Debt Service Revenue Sources	
ORG/OBJ/Project Code: Various Debt Service Funds	
FY2024 Budget Impact: \$2,724	

Background Information: BNY Mellon charges an annual paying agent fee for each of the County's bonds and debt certificates. Notice was received by the County that fees would be increased subsequent to the approval of the FY2024 budget. This amendment will properly reflect the increased fees and ensure the debt service funds are adequately funded for the increase.

Recommendation: Finance Department recommends approval

Contract/Agreement: Not applicable

Legal Review: Not applicable

Follow-Up: Not applicable

2024 Fiscal Year

Finance: June 6, 2024

Sponsored by:

Lay Over: June 13, 2024

John Butitta, Finance Committee Chairman

Final Vote: June 27, 2024

2024 CO

TO: THE HONORABLE BOARD MEMBERS OF THE COUNTY OF WINNEBAGO, ILLINOIS

The Winnebago County Finance Committee presents the following Ordinance amending the Annual Appropriation Ordinance for the fiscal year ending September 30, 2024 and recommends its adoption.

Ordinance for a Budget Amendment for Bond Paying Agent Fees

WHEREAS, Bank of New York Mellon acts as the paying agent for the County's bonds and debt certificates. The County pays an annual paying agent fee for each bond. Notice was received by the County that fees would be increased subsequent to the approval of the FY2024 budget. This amendment will properly reflect the increased fees and ensure the debt service funds are adequately funded for the increases; and,

WHEREAS, the Winnebago County Board adopted the "Annual Budget and Appropriation Ordinance" for the fiscal year ending September 30, 2024 at its September 28, 2023 meeting; and,

WHEREAS, 55ILCS 5/6-1003(2014), states, "After the adoption of the county budget, no further appropriations shall be made at any other time during such fiscal year, except as provided in this Act. Appropriations in excess of those authorized by the budget in order to meet an immediate emergency may be made at any meeting of the board by a two-thirds vote of all the members constituting such board, the vote to be taken by ayes and nays and entered on the record of the meeting."

NOW, THEREFORE, BE IT ORDAINED, that the County Board deems that pursuant to provisions as set forth in 55ILCS 5/6-1003(2014), certain conditions have occurred in connection with the operations of the County which are deemed to be immediate emergencies; therefore, the increases detailed per the attached Request for Budget Amendment are hereby authorized for Amendment **#24-006 Bond Administration Fees**.

Respectfully Submitted,
FINANCE COMMITTEE

AGREE

DISAGREE

JOHN BUTITTA, CHAIR

JOHN BUTITTA, CHAIR

JAIME SALGADO, VICE CHAIR

JAIME SALGADO, VICE CHAIR

JEAN CROSBY

JEAN CROSBY

JOE HOFFMAN

JOE HOFFMAN

KEITH McDONALD

KEITH McDONALD

JOHN F. SWEENEY

JOHN F. SWEENEY

MICHAEL THOMPSON

MICHAEL THOMPSON

The above and foregoing Ordinance was adopted by the County Board of the County of

Winnebago, Illinois this _____ day of _____ 2024.

ATTESTED BY:

JOSEPH CHIARELLI
CHAIRMAN OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

LORI GUMMOW
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

2024
WINNEBAGO COUNTY
 FINANCE COMMITTEE
 REQUEST FOR BUDGET AMENDMENT

DATE SUBMITTED:		5/23/2024			AMENDMENT NO: 2024-006			
DEPARTMENT:		Debt Service Funds			SUBMITTED BY: Steve Schultz			
FUND#:		Various Debt Service Funds			DEPT. BUDGET NO. Various Debt Service Funds			
Department Org Number	Object (Account) Number	Project Number	Object (Account) Description	Adopted Budget	Amendments Previously Approved	Revised Approved Budget	Increase (Decrease)	Revised Budget after Approved Budget Amendment
Expenditures								
50900	45311		Bond Administration Fees	\$428	\$0	\$428	\$375	\$803
51200	45311		Bond Administration Fees	\$750	\$0	\$750	\$75	\$825
51300	45311		Bond Administration Fees	\$750	\$0	\$750	\$75	\$825
51400	45311		Bond Administration Fees	\$750	\$0	\$750	\$75	\$825
51800	45311		Bond Administration Fees	\$0	\$0	\$0	\$825	\$825
54400	45311		Bond Administration Fees	\$750	\$0	\$750	\$75	\$825
54800	45311		Bond Administration Fees	\$0	\$0	\$0	\$825	\$825
55000	45311		Bond Administration Fees	\$750	\$0	\$750	\$75	\$825
57500	45311		Bond Administration Fees	\$428	\$0	\$428	\$375	\$803
57900	45311		Bond Administration Fees	\$750	\$0	\$750	\$75	\$825
59900	45311		Bond Administration Fees	\$750	\$0	\$750	\$75	\$825
40100	49110		Transfer to Other Funds	\$7,661,800	\$0	\$7,661,800	\$1,725	\$7,663,525
41700	49110		Transfer to Other Funds	\$1,388,800	\$0	\$1,388,800	\$75	\$1,388,875
46300	49110		Transfer to Other Funds	\$200,500	\$0	\$200,500	\$38	\$200,538
46400	49110		Transfer to Other Funds	\$200,500	\$0	\$200,500	\$37	\$200,537
49300	49110		Transfer to Other Funds	\$2,213,641	\$0	\$2,213,641	\$75	\$2,213,716
49400	49110		Transfer to Other Funds	\$976,500	\$0	\$976,500	\$75	\$976,575
52500	49110		Transfer to Other Funds	\$399,950	\$0	\$399,950	\$75	\$400,025
Revenue								
50900	32210		State Income Tax	(\$706,953)	\$0	(\$706,953)	(375)	(\$707,328)
54400	32210		State Income Tax	(\$331,369)	\$0	(\$331,369)	(75)	(\$331,444)
57500	32210		State Income Tax	(\$273,378)	\$0	(\$273,378)	(375)	(\$273,753)
17000	32211		Income Tax Bond Transfer	\$1,660,465	\$0	\$1,660,465	824	\$1,661,289
51200	39110		Transfer from Other Funds	(\$976,500)	\$0	(\$976,500)	(75)	(\$976,575)
51300	39110		Transfer from Other Funds	(\$399,950)	\$0	(\$399,950)	(75)	(\$400,025)
51400	39110		Transfer from Other Funds	(\$401,000)	\$0	(\$401,000)	(75)	(\$401,075)
51800	39110		Transfer from Other Funds	\$0	\$0	\$0	(825)	(\$825)
54800	39110		Transfer from Other Funds	\$0	\$0	\$0	(825)	(\$825)
55000	39110		Transfer from Other Funds	(\$657,200)	\$0	(\$657,200)	(75)	(\$657,275)
57900	39110		Transfer from Other Funds	(\$158,800)	\$0	(\$158,800)	(75)	(\$158,875)
59900	39110		Transfer from Other Funds	(\$2,231,641)	\$0	(\$2,231,641)	(75)	(\$2,231,716)
TOTAL ADJUSTMENT:							\$2,924	
Reason budget amendment is required:								
<p>BNY Mellon charges an annual paying agent fee for each of the County's bonds and debt certificates. Notice was received by the County that fees would be increased subsequent to the approval of the FY2024 budget. This amendment will properly reflect the increased fees and ensure the debt service funds are adequately funded for the increase.</p>								
Potential alternatives to budget amendment:								
None								
Impact to fiscal year 2024 budget: \$2,924								
Revenue Source: N/A								

**ECONOMIC
DEVELOPMENT
COMMITTEE**



Resolution Executive Summary

Committee Date: Monday, June 3, 2024
Committee: Economic Development
Prepared By: Chris Dornbush

Document Title: Resolution Authorizing Execution Of A Development Agreement With The Village Of New Milford For A \$400,000 Host Fee Loan Pursuant To The Economic Development, Business Incentive And Host Fee Program Policy

County Code: 2019-CR-093, Resolution Adopting The Winnebago County Economic Development, Business Incentive and Host Fee Program Policy

Board Meeting Date: Thursday, June 13, 2024

Budget Information:

Was item budgeted? No	Appropriation Amount: \$400,000 total over 2 years; <i>Years 1-2 \$200,000 County Pays</i> <i>Years 3-7 \$80,000/yr New Milford Pays Back</i>
If not, explain funding source:	
ORG - OBJ - Project Code: 41700 - 43190	Budget Impact: Yes, as set forth in loan schedule. Year 1 (2024): \$200,000

Background Information:

In 2019 Winnebago County Board approved the Resolution Adopting The Winnebago County Economic Development, Business Incentive and Host Fee Program Policy to promote economic development with the overall objectives of strengthening the local economy, creating jobs and diversifying the County’s property tax base. The Village of New Milford has requested project financing as established in this program for a \$400,000 loan at a 0% interest rate for a total loan period of 7 years from the County to assist in the Baxter Road Water Line Extension (2024-CR-024, 2024-CR-062, 2024-CR-063) to facilitate economic development west of I-39. Years 1-2 (2 years) the County would disburse the funds to the Village (\$200,000), Years 3-7 (5 years) the Village would pay funds back to the County (\$80,000).

Recommendation:

Winnebago County Administration supports the development and use of host fees for this loan to assist in the growth of the Equalized Assessed Value (EAV), job growth, and increased sales tax dollars.

Contract/Agreement:

Yes, as attached with Resolution.

Legal Review:

Yes

Follow-Up:

The Village of New Milford and/or County Staff can provide updates regarding the progression of the project.

County Board Office

404 Elm Street, Rm 533, Rockford, IL 61101 | wincoil.gov
Phone: (815) 319- 4225 | E-mail: boardoffice@admin.wincoil.gov

**RESOLUTION
OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

2024 CR _____

SUBMITTED BY: ECONOMIC DEVELOPMENT COMMITTEE

**RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT
WITH THE VILLAGE OF NEW MILFORD FOR A \$400,000 HOST FEE LOAN
PURSUANT TO THE ECONOMIC DEVELOPMENT, BUSINESS INCENTIVE AND
HOST FEE PROGRAM POLICY**

WHEREAS, Winnebago County, Illinois (hereinafter, “County”) is a duly organized and existing county created under the provisions of the laws of the State of Illinois, and is now operating under and pursuant to the provisions of the Counties Code, as amended, 55 ILCS 5/1 *et seq.* (the “Counties Code”), is a “unit of local government” as defined in Article 7, Section 1 of the Constitution of the State of Illinois; and

WHEREAS, the Village of New Milford, Illinois (hereinafter, “Village”) is a duly organized and existing municipal corporation and body politic of the State of Illinois now operating under and pursuant to the provisions of the Illinois Municipal Code, as amended, 65 ILCS 5/1-1-1 *et seq.* (the “Municipal Code”), is a “unit of local government” as defined in Article 7, Section 1 of the Constitution of the State of Illinois; and is a “public agency” as defined in Section 2 of the Intergovernmental Cooperation Act, as amended, 5 ILCS 220/1 *et seq.* (the “**Intergovernmental Cooperation Act**”); and

WHEREAS, Article VII, Section 5 of the Intergovernmental Cooperation Act, 5 ILCS 220/5, provides that “[a]ny one or more public agencies may contract with any one or more other public agencies to perform any governmental services, activity or undertaking or to combine, transfer, or exercise any powers, functions, privileges, or authority which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be approved by the governing bodies of each party to the contract and except where specifically and expressly prohibited by law. Such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties.”; and

WHEREAS, the County Board of the County of Winnebago, Illinois approved a “Resolution Adopting The Winnebago County Economic Development, Business Incentive And Host Fee Program Policy” (2019-CR-093) (hereinafter “Program”), to facilitate other local units of government in Winnebago County to grow the economy by establishing a zero percent (0%) host fee loan program as set forth within the Program and Redevelopment Agreement (hereinafter, “Agreement”); and

WHEREAS, the Agreement, identified as “Exhibit A” and attached establishes the contractual agreement between the County and the Village; and

WHEREAS, the County, in cooperation with the Village, has determined that it is in the best interests of the County as a whole, including the Village, to develop certain real property located within the jurisdictional bounds of Winnebago County and for the County to assist with project gap financing, pursuant to the terms and provisions of this Agreement; and

WHEREAS, pursuant to the Program, a unit of local government, as defined by Article 7, Section 1 of the Constitution of the State of Illinois may request host fee funds from the County, which shall be subject to certain criteria being met and the funds shall only be used for TIF eligible expenses, as defined by state law, 65 ILCS 55/11-74.4-3(q); and

WHEREAS, all host fee fund requests and development agreements under the Program shall be dependent upon the availability of funds and also require the approval of the County Board of the County of Winnebago, Illinois; and

WHEREAS, pursuant to the Program, the Village is requesting a zero percent (0%) interest loan in the amount of Four Hundred Thousand Dollars (\$400,000.00), that will be paid back to the County in whole at the end of a seven (7) year term, the first two (2) years the County will distribute the funds to the Village, and Years 3 through 7, the Village will make annual equal payments to the County; and

WHEREAS, for the other Intergovernmental Cooperation Agreement (2024-CR-024) approved by the County Board on February 8, 2024, the Parties will adhere to the new terms only for the stated \$400,000 Loan that the County is facilitating, however the balance of the project shall still adhere to the original repayment terms as stated in 2024-CR-024; and

WHEREAS, the County, after due and careful consideration of the request, has concluded that this Agreement with the Village, will further the growth opportunity of the County, facilitate development, create the potential for increasing the assessed valuation of real estate, increase economic activity within the County as a whole, and otherwise be in the best interest of the County by furthering the health, safety, morals, and welfare of its citizens as it relates to the Baxter Road Waterline Extension Project approved by the County Board on April 11, 2024 (2024-CR-062 and 2024-CR-063).

NOW, THEREFORE BE IT RESOLVED, by the County Board of the County of Winnebago, Illinois that Joseph Chiarelli, the Winnebago County Board Chairman, is authorized and directed to, on behalf of the County of Winnebago, enter into a development agreement with the Village of New Milford, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the development agreement entered into by Joseph Chiarelli pursuant to the authority granted in this Resolution shall contain substantially the same terms as the development agreement which is attached to this Resolution and marked as “Exhibit A”.

BE IT FURTHER RESOLVED, that this Resolution shall be in full force and effect immediately upon its adoption.

BE IT FURTHER RESOLVED, that the Clerk of the County Board is hereby directed to prepare and deliver certified copies of this Resolution to the Winnebago County Clerk, Winnebago County Administrator, Winnebago County Auditor, the Winnebago County Chief Operations Officer, and the Winnebago County Financial Director Officer.

Respectfully submitted,
Economic Development Committee

AGREE

DISAGREE

JOHN SWEENEY, CHAIRMAN

JOHN SWEENEY, CHAIRMAN

TIM NABORS, VICE CHAIR

TIM NABORS, VICE CHAIR

JEAN CROSBY

JEAN CROSBY

ANGELA FELLARS

ANGELA FELLARS

VALERIE HANSERD

VALERIE HANSERD

BRAD LINDMARK

BRAD LINDMARK

JOHN PENNEY

JOHN PENNEY

The above and foregoing Resolution was adopted by the County Board of the County of Winnebago, Illinois this ____ day of _____ 2024.

ATTESTED BY:

JOSEPH V. CHIARELLI
CHAIRMAN OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

LORI GUMMOW
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

DEVELOPMENT AGREEMENT

This Development Agreement (“**Agreement**”) is made as of this ____ day of _____, 2024, by and between the County of Winnebago, Illinois, a body politic and corporate, having its principal offices located at 404 Elm Street, Rockford, Illinois (hereinafter “**County**”) and the Village of New Milford, an Illinois municipal corporation, having its principal offices located at 6771 11th Street, New Milford, Illinois (hereinafter “**Village**”). The County and Village are collectively referred to herein as “**Parties**” or individually as a “**Party**”.

RECITALS

WHEREAS, the County is a duly organized and existing county created under the provisions of the laws of the State of Illinois, and is now operating under and pursuant to the provisions of the Counties Code, as amended, 55 ILCS 5/1 *et seq.* (the “**Counties Code**”), is a “unit of local government” as defined in Article 7, Section 1 of the Constitution of the State of Illinois; and

WHEREAS, the Village is a duly organized and existing municipal corporation and body politic of the State of Illinois now operating under and pursuant to the provisions of the Illinois Municipal Code, as amended, 65 ILCS 5/1-1-1 *et seq.* (the “**Municipal Code**”), is a “unit of local government” as defined in Article 7, Section 1 of the Constitution of the State of Illinois; and is a “public agency” as defined in Section 2 of the Intergovernmental Cooperation Act, as amended, 5 ILCS 220/1 *et seq.* (the “**Intergovernmental Cooperation Act**”); and

WHEREAS, Article VII, Section 5 of the Intergovernmental Cooperation Act, 5 ILCS 220/5, provides that “[a]ny one or more public agencies may contract with any one or more other public agencies to perform any governmental services, activity or undertaking or to combine, transfer, or exercise any powers, functions, privileges, or authority which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be approved by the governing bodies of each party to the contract and except where specifically and expressly prohibited by law. Such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties.”; and

WHEREAS, the County Board of the County of Winnebago, Illinois approved a “Resolution Adopting The Winnebago County Economic Development, Business Incentive And Host Fee Program Policy” (2019-CR-093) (hereinafter “**Program**”), to facilitate other local units of government in Winnebago County to grow the economy by establishing a zero percent (0%) host fee loan program as set forth within the Program and Agreement; and

WHEREAS, this Agreement, identified as “**Exhibit A**”, establishes the contractual agreement between the County and the Village; and

WHEREAS, the County, in cooperation with the Village, has determined that it is in the best interests of the County as a whole, including the Village, to develop certain real property located within the jurisdictional bounds of Winnebago County and for the County to assist with project gap financing, pursuant to the terms and provisions of this Agreement; and

WHEREAS, pursuant to the Program, a unit of local government, as defined by Article 7, Section 1 of the Constitution of the State of Illinois may request host fee funds from the County, which shall be subject to certain criteria being met and the funds shall only be used for TIF eligible expenses, as defined by state law, 65 ILCS 55/11-74.4-3(q); and

WHEREAS, all host fee fund requests and development agreements under the Program shall be dependent upon the availability of funds and also require the approval of the County Board of the County of Winnebago, Illinois; and

WHEREAS, pursuant to the Program, the Village is requesting a zero percent (0%) interest loan in the amount of Four Hundred Thousand Dollars (\$400,000.00), that will be paid back to the County in whole at the end of a seven (7) year term, the first two (2) years the County will distribute the funds to the Village, and Years 3 through 7, the Village will make annual equal payments to the County; and

WHEREAS, the other Intergovernmental Cooperation Agreement (2024-CR-024) approved by the County Board on February 8, 2024, the Parties will adhere to the new terms only for the stated \$400,000 Loan that the County is facilitating, however the balance of the project shall still adhere to the original repayment terms as stated in 2024-CR-024; and

WHEREAS, the County, after due and careful consideration of the request, has concluded that this Agreement with the Village, will further the growth opportunity of the County, facilitate development, create the potential for increasing the assessed valuation of real estate, increase economic activity within the County as a whole, and otherwise be in the best interest of the County by furthering the health, safety, morals, and welfare of its citizens as it relates to the Baxter Road Waterline Extension Project approved by the County Board on April 11, 2024 (2024-CR-062 and 2024-CR-063).

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the County and the Village agree as follows:

- I. **INCORPORATION OF RECITALS.** The above Recitals are incorporated in this Agreement by their reference and made part of this Agreement.
- II. **HOST FEE FUNDS UNDER THE PROGRAM**
 - a. **DISBURSEMENT OF HOST FEE FUNDS.** Subject to the Program criteria, the County will disburse the total amount of Four Hundred Thousand Dollars (\$400,000.00) in host fee funds to the Village over a two (2) year period, as set forth in section I (c) below. Year One (1) through Year Two (2) in the amount of Two Hundred Thousand Dollars (\$200,000.00).

- i. The County shall disburse each annual payment to the Village within one (1) year of all parties' approval and follow the schedule as provided in section I (c). Any extension of the disbursement timeframe shall be mutually agreed upon by the parties.
- b. **REPAYMENT OF HOST FEE FUNDS.** Within one (1) year of the last payment received from the County to the Village, the Village shall begin repaying the County annually in equal payments in the amount of Eighty Thousand Dollars (\$80,000.00), at a zero percent (0%) interest rate as set forth in section I (c) below over a Five (5) year period, until the loan is paid in full. Any extension of the repayment timeframe shall be mutually agreed upon by the parties.
- i. However, prior to the end of the initial Two (2) year period as set forth in section I (c) below, the Village may request in writing to the County to cease the remaining disbursements of the host fee funds. Upon the County receiving the written request from the Village, the Village shall begin making equal annual payments to the County within one (1) year of the last payment received by the Village, with a payment each year thereafter until the loan is paid in full. Equal annual payments shall be defined by the total funds received by the Village divided by the prescribed Five (5) year repayment period.
- c. **HOST FEE FUNDS PAYMENT SCHEDULE.**

Winnebago County loan \$400,000 to the Village of New Milford				
Loan Year	Year	Payment Structure	County Disbursements	County Receivables
1	2024	<i>Winnebago County Payments to Village of New Milford</i>	\$ (200,000.00)	\$ -
2	2025		\$ (200,000.00)	\$ -
3	2026	Village of New Milford Payments back to the Winnebago County	\$ -	\$ 80,000.00
4	2027		\$ -	\$ 80,000.00
5	2028		\$ -	\$ 80,000.00
6	2029		\$ -	\$ 80,000.00
7	2030		\$ -	\$ 80,000.00
			\$ (400,000.00)	\$ 400,000.00

III. **DEFAULT.** Should the Village fail to make any payment to the County as set forth in section I (b) (i), it will constitute a default of this Agreement and may result in the County instituting proceedings to collect the amount owed.

- IV. **EFFECTIVE DATE AND TERM.** This Agreement will take effect as soon as it is signed by all authorized representatives of the parties. The term of the loan will be for a seven (7) year period.
- V. **NOTICE.** Unless otherwise specified, any notice, demand or request required hereunder shall be given in writing at the addresses set forth below, by any of the following means: (a) personal service; (b) overnight courier, or (c) registered or certified mail, return receipt requested.

If to the County:

County of Winnebago
 Attn: Chairman Joseph Chiarelli
 404 Elm Street, Room 533
 Rockford, Illinois 61101

If to the Village:

Village of New Milford
 Attn: President Timothy Owens
 6771 11th Street
 New Milford, Illinois 61109

With Copies to:

Office of the Winnebago County State's
 Attorney Civil Bureau
 Courthouse Building
 400 W. State Street, Suite 804
 Rockford, Illinois 61101

With Copies to:

Village of New Milford Legal Counsel
 Barrick, Switzer, Long, Balsley & Van
 Evera, LLP
 6833 Stalter Drive
 Rockford, Illinois 61108

Such addresses may be changed by notice to the other parties given in the same manner provided above. Any notice, demand, or request sent pursuant to this Section shall be effective upon receipt or refusal of delivery.

- VI. **WAIVER.** The failure of either party hereto at any time or times to enforce any provision of this Agreement shall in no way be construed to be a waiver of such provisions or to affect the validity of this Agreement or any part hereof, or the right of either party thereafter to enforce each and every provision in accordance with the terms of this Agreement.
- VII. **ASSIGNMENT.** Neither party shall assign this Agreement without the prior written approval of the other party.

- VIII. **AMENDMENTS.** Any amendments shall be by written instrument executed by the parties hereto, acting therein by their duly authorized representatives.
- IX. **GOVERNING LAW.** The parties agree this Agreement has been executed and delivered in Illinois and that their relationship and any and all disputes, controversies or claims arising under this Agreement shall be governed by the laws of the State of Illinois. The parties further agree that the exclusive venue for all such disputes shall be the Circuit Court of the 17th Judicial Circuit of Winnebago County, Illinois.
- X. **HEADINGS.** Sections and other headings contained in this Agreement are for reference purposes only and are not intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.
- XI. **SEVERABILITY.** If any provisions, covenants, agreements or portions of this Agreement or its application to any person, entity or property is held invalid, such invalidity shall not invalidate any other portion of this Agreement. The parties intend to be bound to this agreement even in the event that a portion of the agreement is declared invalid, in accordance with law.
- XII. **COUNTERPARTS.** This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.
- XIII. **AUTHORITY.** The County and Village each warrant to the other that they have the authority to enter into this Agreement and that the person or persons executing this Agreement on their behalf has been duly authorized to act as the representative or officer of each respective party in affixing their signatures to the Agreement. The County and Village hereto agree to sign such documents, enact such ordinances or resolutions, or perform such further obligations as may be necessary to effectuate the purposes of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the above date.

Village of New Milford, an Illinois
municipal corporation

County of Winnebago, Illinois, a body
politic and corporate

By: _____
Timothy Owens
Village President of the Village of
New Milford, Illinois

By: _____
Joseph V. Chiarelli
Chairman of the County Board of the
County of Winnebago, Illinois

ATTEST:

Sharon K. Baumgartner, Clerk of the
Village of New Milford, Illinois

Lori Gummow, Clerk of the
County Board of the
County of Winnebago, Illinois

6833 STALTER DRIVE • ROCKFORD, ILLINOIS 61108
815-962-6611 • FAX 815-962-0687
www.bslbv.com

Via Hand Delivery

May 29, 2024

Chris Dornbush
County of Winnebago
404 Elm Street
Rockford, IL 61101

Re: Village of New Milford
(County of Winnebago Host Fee Loan Agreement \$400,000)

Dear Chris,

Enclosed please find the signed copy of the documents with regards to the above-entitled matter.

Very truly yours,


JAMES E. STEVENS
jstevens@bslbv.com

JES/sj
Enclosures

p“But for” projects – The applicant must establish that “but for the Incentive, the capital investment, job creation and retention would occur elsewhere.”

Such proof shall include, but is not limited to, a statement from an authorized representative of the applicant that, without this incentive, the applicant would not be inclined to create new jobs and/or retain existing jobs in Winnebago County. The Applicant’s statement will take the following form:

“I certify that capital improvements would not be placed in service and the job creation and/or retention of existing jobs would not occur without the Winnebago County Economic Development, Business Incentive and Host Fee Program”.

Signed: Timothy H. Owens
[CEO/President/Owner]

Dated: 5/28/2024

STATE OF ILLINOIS, }
COUNTY OF WINNEBAGO } ss.

I, LORI GUMMOW, County Clerk in and for said County, in the State aforesaid, do hereby certify that I have compared the foregoing attached copy of:

RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF WINNEBAGO AND THE VILLAGE OF NEW MILFORD FOR EXTENSION OF WATERMAIN ON BAXTER ROAD (SECTION 22-00714-00-MS)

with the original document which is on file in my office; and found it to be a true, perfect and complete copy of the original document.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County, at my office in the City of Rockford, in said County,

This 9TH DAY OF FEBRUARY, 2024.

LORI GUMMOW, Winnebago County Clerk

BY: Angela Reina Deputy County Clerk



**RESOLUTION OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

2024 CR 024

**SUBMITTED BY: ECONOMIC DEVELOPMENT COMMITTEE
SPONSORED BY: JOHN SWEENEY**

**RESOLUTION AUTHORIZING AN
INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE
COUNTY OF WINNEBAGO AND THE VILLAGE OF NEW MILFORD FOR
EXTENSION OF WATERMAIN ON BAXTER ROAD
(SECTION 22-00714-00-MS)**

WHEREAS, Article VII, Section 10(a) of the Constitution of the State of Illinois authorizes municipal corporations and other governmental entities to join together in intergovernmental agreements for the purpose of achieving statutory objectives and goals individually and jointly; and

WHEREAS, the COUNTY and VILLAGE entered into an Intergovernmental Agreement, hereinafter referred to as "IGA", dated June 26, 2012, along with the Village of Cherry Valley, Illinois relating to the I-39/Baxter Road Redevelopment Project Area; and

WHEREAS, pursuant to the terms of the IGA the Villages on Cherry Valley and New Milford created an Industrial Park Conservation Area (IJRL District) to spur development in the Baxter Road at I-39 corridor; and

WHEREAS, the COUNTY is going to construct a water main from the east side to the west side of I-39 with funds from Winnebago County Host Fees; and

WHEREAS, the VILLAGE is desirous to expand this water main from the County project limit on the west side of I-39 to Harrisville Road, as the VILLAGE has annexed certain properties along the north and south side of Baxter Road to Interstate 39, which will initially be funded by Winnebago County Host Fees, but will be re-imbursed back to the COUNTY by the VILLAGE as set-forth within the attached Agreement, referred to as Exhibit A; and

WHEREAS, all parties desire to set forth their responsibilities arising from the extension of water mains along Baxter Road from I-39 to Harrisville, being that the water main is within the corporate limits of the Village of New Milford subject to the terms and conditions set forth herein; and

WHEREAS it would be in the public interest to enter into the attached AGREEMENT (Exhibit A") for the extension of water main on Baxter Road from I-39 to Harrisville Road.

NOW THEREFORE, BE IT RESOLVED by the County Board of the County of Winnebago, Illinois, that the Chairman of the County Board is hereby authorized to execute on behalf of the County of Winnebago the attached AGREEMENT (“Exhibit A”) with the Village of New Milford, in substantially the form attached hereto under Section 22-00714-00-MS; and

BE IT FURTHER RESOLVED that the AGREEMENT (“Exhibit A”) entered into shall not become effective and binding unless and until the respective parties have executed them; and

BE IT FURTHER RESOLVED that the funding for this project shall be from the Winnebago County Host Fees and follow the parameters of the AGREEMENT (“Exhibit A”) as outlined within; and

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect immediately upon its adoption; and

BE IT FURTHER RESOLVED that the Clerk of the County Board is hereby directed to prepare and deliver one (1) certified copy of this Resolution to the Winnebago County Treasurer, Auditor, Winnebago County Director of Development Services, Winnebago County Engineer, Winnebago County Finance Director, and Winnebago County Administrator.

Respectfully submitted
ECONOMIC DEVELOPMENT COMMITTEE

AGREE

DISAGREE


JOHN SWEENEY, CHAIRMAN

JOHN SWEENEY, CHAIRMAN


TIM NABORS, VICE CHAIR

TIM NABORS, VICE CHAIR


JEAN CROSBY

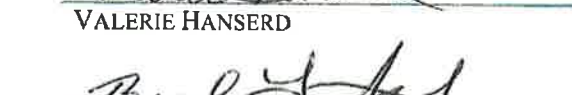
JEAN CROSBY


ANGELA FELLARS

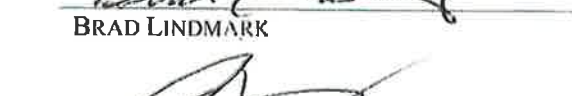
ANGELA FELLARS


VALERIE HANSERD

VALERIE HANSERD


BRAD LINDMARK


BRAD LINDMARK



JOHN PENNEY

JOHN PENNEY

The above and foregoing Resolution was adopted by the County Board of the County of Winnebago, Illinois this 8th day of February 2024.

ATTESTED BY:


LORI GUMMOW
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS


JOSEPH V. CHIARELLI
CHAIRMAN OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

**INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE
COUNTY OF WINNEBAGO, ILLINOIS AND THE VILLAGE OF NEW MILFORD FOR
EXTENSION OF WATERMAIN ON BAXTER ROAD BETWEEN
I-39 AND HARRISVILLE ROAD**

THIS AGREEMENT made this 8th day of February, by and among the County of Winnebago, an Illinois county corporation, hereinafter referred to as "COUNTY" and the Village of New Milford, an Illinois Municipal Corporation hereinafter referred to as "VILLAGE", the purpose of this agreement being to extend watermain along Baxter Road from the west of I-39 to Harrisville Road.

WITNESSETH:

WHEREAS, Article VII, Section 10(a) of the Constitution of the State of Illinois authorizes municipal corporations and other governmental entities to join together in intergovernmental agreements for the purpose of achieving statutory objectives and goals individually and jointly; and

WHEREAS, the COUNTY and VILLAGE entered into an Intergovernmental Agreement, hereinafter referred to as "IGA", dated June 26, 2012, along with the Village of Cherry Valley, Illinois relating to the I-39/Baxter Road Redevelopment Project Area; and

WHEREAS, pursuant to the terms of the IGA the Villages on Cherry Valley and New Milford created an Industrial Park Conservation Area (IJRL District) to spur development in the Baxter Road at I-39 corridor; and

WHEREAS, the COUNTY is going to construct a water main from the east side of I-39 to the west side; and

WHEREAS, the VILLAGE is desirous to expand this water main from the west side of I-39 to Harrisville Road as the VILLAGE has annexed certain properties along the north and south side of Baxter Road along Interstate 39; and

WHEREAS, all parties desire to set forth their responsibilities arising from the extension of water mains along Baxter Road from I-39 to Harrisville, being that the water main is within the corporate limits of the Village of New Milford subject to the terms and conditions set forth herein.

NOW THEREFORE, the Parties for the considerations hereinafter set forth hereby agree as described below:

I. TERMS OF THE AGREEMENT

A. The COUNTY agrees:

[1]

1. To include as part of its bid to extend water main from the east side of I-39 to the west side a section of water main from the west side of I-39 to Harrisville Road; and
2. To provide construction engineering for the entire water main extension from the east side of I-39 to Harrisville Road; and
3. To invoice the VILLAGE for the actual cost of the construction of the water main on Baxter Road from the west side of I-39 to Harrisville Road estimated to be some \$785,800; and
4. To invoice the VILLAGE for their portion of construction engineering which will be determined by dividing the VILLAGE's share of construction cost with the total cost of construction; and
5. To provide water and maintain the extended water main on Baxter Road from the west side of I-39 to Harrisville Road; and
6. To provide all tap-on-fees that might be collected by development along Baxter Road to Harrisville Road to the VILLAGE.

B. The VILLAGE agrees:

1. To pay the COUNTY for the VILLAGE's share of construction and construction engineering within thirty (30) days of receipt of an invoice from the COUNTY; and
2. To enter into a contract with Willett Hofmann and Associates, Inc. to design and permit the water main extension in Baxter Road from I-39 to Harrisville Road solely at the Cost of the VILLAGE; and
3. To deed to the COUNTY the completed water main extension on Baxter Road from I-39 to Harrisville Road upon completion; and
4. To cooperate with the COUNTY on any development projects within the VILLAGE for the construction and connection of water mains and water service lines within the VILLAGE to parcels within the VILLAGE; and
5. To forward to the COUNTY all future development inquires, conversations and correspondence of properties located within the IJRL to the COUNTY as per paragraph "H", Section I of the IGA dated June 26, 2012.

II. EFFECTIVE DATE. This Agreement shall commence on the date of execution of the parties hereto.

III. SUCCESSORS AND ASSIGNS. This agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

IV. EXTENT OF AGREEMENT. This Agreement incorporates the entire agreement of the between Winnebago County, the Village of New Milford and the Winnebago County Water District and may be varied, waived, changed or modified only by an instrument in writing, duly executed by all parties.

V. BENEFIT. This Agreement is entered into solely for the benefit of the contracting parties and nothing in this Agreement is intended, either expressly or impliedly, to provide any right or benefit of any kind whatsoever to any person or entity who is not a party to this

[2]

Agreement, or to acknowledge, establish or impose and legal duty to any third party.

VI. BINDING AGREEMENT. All portions of the Intergovernmental Agreement dated June 26, 2012 between Winnebago County, the Village of New Milford and the Village of Cherry Valley are binding and in effect.

IN WITNESS WHEREOF, the parties have executed this Intergovernmental Agreement as of the date set forth above at Winnebago County, Illinois.

COUNTY OF WINNEBAGO, IL

VILLAGE OF NEW MILFORD, IL

By: Joseph V. Chilli
Joseph Chilli, Chairman of
The County Board of the
County of Winnebago, Illinois

By: Timothy H. Owens
Timothy H. Owens, President of the
Village Board, Village of New Milford,
Illinois

Date: 12/15/24

Date: 12/12/23

ATTEST:

Lori Gummow
Lori Gummow, Clerk of the
County Board of the
County of Winnebago, Illinois

ATTEST

Sharon K. Baumgartner
Sharon K. Baumgartner
Clerk/Treasurer of the
Village Board, Village of New Milford

STATE OF ILLINOIS
WINNEBAGO COUNTY WATER DISTRICT
WATER SYSTEM IMPROVEMENTS
SECTION NO.: 22-00714-00-MS

**BAXTER ROAD WATERMAIN EXTENSION
LOCATION MAP**



**NEW MILFORD PROJECT BEGINS
STA 100+40**

**NEW MILFORD PROJECT ENDS &
COUNTY PROJECT BEGINS
STA 117+00 / STA 10+00**



**COUNTY PROJECT ENDS
STA 41+87**

BAXTER ROAD: 4,500 FT = 0.85 MILES

**ADT: 3,550 (2022) 5% TRUCKS
FUNCTIONAL CLASSIFICATION: MAJOR COLLECT
DESIGN SPEED: 55 MPH
DESIGN POLICY: 3R**



⑪

COMMITTEE: Economic Development

SUBJECT: Res. Auth. IGA w/ Village of New Mil.

	AYES	NAYES	PRESENT	ABSENT	ABSTAINED
1. ARENA, PAUL M.	✓				
2. BOOKER, AARON	✓				
3. BUTITTA, JOHN	✓				
4. CROSBY, JEAN	✓				
5. FELLARS, ANGELA				✓	
6. GORAL, ANGIE	✓				
7. GUEVARA, JOHN M.	✓				
8. HANSERD, VALERIE	✓				
9. HOFFMAN, JOE C.	✓				
10. LINDMARK, BRAD	✓				
11. MCCARTHY, KEVIN	✓				
12. MCDONALD, KEITH	✓				
13. NABORS, TIMOTHY	✓				
14. PENNEY, JOHN				✓	
15. SALGADO, JAIME J.	✓				
16. SCROL, CHRISTOPHER	✓				
17. SWEENEY, JOHN F.	✓				
18. TASSONI, DAVE	✓				
19. THOMPSON, MICHAEL J.	✓				
20. WEBSTER, JIM	✓				
TOTALS unanimous vote	18			2	



WINNEBAGO COUNTY

— ILLINOIS —

**Winnebago County
Economic Development, Business Incentive and Host Fee Program
Application**

Please provide supporting documentation as necessary.

Part 1: COMPANY INFORMATION

Company information (include name, d/b/a, street address, city, zip code, phone & fax numbers and website address).

Village of New Milford, 6771 11th Street, Rockford, IL 61109

815-874-7271

Type of organization: (corporation, partnership, LLC, etc.): _____

FEIN # 27-4551061 Illinois IBT# _____

If a corporation or subsidiary, include corporation name street address, city, zip code, phone & fax numbers and website address.

Executive officer/authorized company representative (include full name, title, office address, phone number and email address)

Please provide a general description of the company, how long the company has been in business locally and overall, type and description of business/industry, SIC/NAICS codes:

Current Employment	Full-Time	Part-Time
Locally:		
Company Wide:		

Part II: PROJECT LOCATION

Type of development: New Construction Addition Re-utilization vacant building

New or relocating business? If relocating, from where? _____

Proposed project location in Winnebago County

Street Address: Baxter Road between I-39 & Harrisville Rd City New Milford

Parcel Identification Number (PIN #) _____ Current Zoning: _____

Size of parcel: Public ROW Size of Building: _____ Building area to be added: _____

Will the project location be owned or leased by the applicant? _____

If leased, proposed length of lease? _____

Note: A company must sign a minimum of a five-year lease in order to be eligible to apply for a property tax incentive. Additionally, an incentive will not be offered in excess of the length of the lease. However, should a company have, for example, a five year lease with a renewable option after five years, they could be granted a 10-year incentive. Should the company choose not to renew their contract after five years, the incentive would cease. An executed copy of the lease will be required for verification.

Lessor of any site must be a party to the Business Incentive Program

agreement. Lessor Company Contact: _____

Other Location(s) being consideration – both within and outside of Winnebago County:

Property Acquisition/Entitlement Timeline: _____

Part III: PROJECT DESCRIPTION

Description of the proposed project/improvements:

Please attach a concept plan for the building/site improvements.

Project timeline: Proposed construction start: _____

Anticipated completion: December 2024

Identify the intended % of labor force expected from Winnebago County:

Total estimated project costs/investment (including acquisition and soft costs): \$ _____

- 1) Land & Site Improvements: \$ _____
- 2) Utility / Infrastructure Improvements: \$ _____
- 3) Building Improvements: \$ _____
- 4) Equipment / Machinery \$ _____

What additional utilities and/or infrastructure improvements will be needed to support the investment? (road improvements, utility services, telecommunications/ broadband, rail spurs, etc.)

How will the infrastructure improvements be funded? Host Fee Loan Program & General Fund

Indicate any special environmental or efficiency factors that will be incorporated into the project:

Part IV: EMPLOYMENT IMPACT

Total Jobs Retained/Created, Average Wages, and Total Payroll for Years 1, 2, 3 and at Full Capacity:

	Year 1	Year 2	Year 3	Full Capacity
# of Employees Transferred	_____	_____	_____	_____
# of New Jobs Created	_____	_____	_____	_____
# of Winnebago County jobs retained	_____	_____	_____	_____
Total # of Employees	_____	_____	_____	_____
Average Wage (non-management)	_____	_____	_____	_____
Total Payroll (all employees)	_____	_____	_____	_____

EMPLOYEE BENEFITS

Please summarize benefits below and attach copies of insurance and pension plans.

Benefits	None	Employee	Employee & Family
Medical/Dental/ Vision Insurance			
Retirement			

Part V: ECONOMIC IMPACT

Current EAV: Land: _____ Building: _____ For tax year _____

Estimated increase in Equalized Assessed Valuation: \$ _____
Calculated at 1/3 of the increase in fair market value directly resulting from the proposed investment and/or improvements.

Expected increase in Company Revenue Generation: \$ _____

Expected increase in Sales Taxes Generation (if applicable): \$ _____

Estimated annual cost to operate/maintain the facility? _____/Sq. ft.

Estimated annual cost for:		
Property Taxes:	\$ _____	/Square Foot
Utility Taxes:	\$ _____	/Square Foot
Telecommunications Tax:	\$ _____	/Square Foot
Special District Tax:	\$ _____	/Square Foot

Total investment in new machinery and equipment, within the first three years:

First Year: \$ _____ Second Year: \$ _____ Third Year: \$ _____

Part VI: STATEMENT OF QUALIFICATION AND JUSTIFICATION

Please provide the following in support of your application and request:

1) What type of assistance is being requested



a. Host Fee Funds

- i What is the amount (\$) being requested? \$ 400,000
- ii What is the repayment period of time being requested (up to a maximum of 20 years)? 5 years



b. Tax Abatement (Rebates)


2) Need for Assistance: Applicants must demonstrate a competitive need for the incentive. In order to do this, the company must either provide evidence of location options or sign a “but for” statement. ***In either case the applicant must demonstrate a cost differential.***

- a. **Evidence of location options** –The applicant must provide evidence of non-Winnebago County location options, which could be that the applicant has multiple location options (including other company-owned locations) and could locate outside of Winnebago County or demonstrate that at least one other non-Winnebago County location is being considered for the project. Such proof shall include, but is not limited to, incentive letters, prospective offers from other states, or other documentation indicating the firm’s interest in alternative, non- Winnebago County locations; **or**,
- b. **“But for” projects** – The applicant must establish that “but for the Incentive, the capital investment, job creation and retention occur elsewhere.”

If you select this option, an authorized representative shall sign the below statement representing that without the Incentive, the company would not be inclined to undertake the project and create new jobs and/or retain existing jobs in Winnebago County:

“I certify that capital improvements would not be placed in service and the job creation and/or retention of existing jobs would not occur without the Winnebago County Economic Development and Business Incentive Program”.

Signed: _____



[CEO/President/Owned]

Date: 5/28/24

3) Demonstrate a Cost Differential: The applicant must complete a cost comparison of Winnebago County' site vs. the finalist non- Winnebago County alternative (s) and identify the cost differences. For example, the company must demonstrate that Winnebago County costs - such as utilities, property taxes, employee-based taxes, construction and/or building lease, annual building maintenance & operations and labor - exceed those of all competing locations under final consideration. **Please sign and attach your Statement of Cost Differential and include at the top the following information:**

- a. **Company Description:** Describe the nature of the company seeking the incentive -- its products and markets -- and demonstrate that the company is an eligible type of business.
- b. **Project Description:** Describe the nature and location of the project for which the firm is seeking a rebate; demonstrate the firm is expanding or retaining operations. If the project involves the consolidation of a number of facilities to a single facility, please include the name of the facility being relocated, its current address, the number of employees currently being employed at that site, the median wage/salary of the employees at that site, the number of jobs from that site that will be relocated to the new site and the current function of the location (.e. corporate headquarters, warehouse/distribution, branch manufacturing plant, customer service center). Also, please be sure to note any special factors such as LEEDS certifications, energy efficiency measures or brownfield development
- c. **Need for Local Assistance:** Describe the need for an incentive and how (if applicable) the applicant's use of the incentive may increase employment in Winnebago County.

Identify a cost differential for the project by responding to either item i) or ii) below. **(Include this calculation in your Statement of Cost Differential and label it as "Cost Differential.")**

- i **Industry Based Cost Differential:** Provide evidence of a cost differential based on comparison of industry costs in other areas. Such proof shall include, but is not limited to, financial statements or internal memoranda; records of industry's cost structure in the other areas; general comparisons of costs of labor, utilities, taxes and so on; or any other financial documentation evidencing cost differential.
- ii **Site Based Cost Differential:** Provide evidence of a cost differential based on comparison of Winnebago County vs. finalist non-Winnebago County sites. Such proof shall include, but is not limited to: written information such as non- Winnebago County sites under consideration; cost/benefit analyses of moving or closing the business; general comparisons of costs of labor, utilities, taxes, fees, construction and/or

lease at the other sites under consideration; the specific value of incentives and/or lower taxes of a competing site; or any other documentation proving cost differential.

Once Winnebago County receives this information, it will initiate primary and secondary research and dialog with the applicant to validate the cost differential.

4) Eligible Projects: Projects must be a new construction, expansion of an existing facility or the re-occupancy of a vacant facility.

Is the company expanding operations? (Check one of the three boxes which apply)

- Siting a new facility (with capital investment and new jobs) in Winnebago County; or
- Expanding its operation (capital investment and new jobs) at a current Winnebago County location; or
- If relocating operations within Winnebago County, the company must demonstrate the expansion cannot be accommodated at the current site due to constraints, including but not limited to:
 - lack of adequate street or road capacity or access;
 - inability of local authorities to assist in the expansion;
 - lack of available contiguous land for expansion;
 - excessive land costs in the current location;
 - reconstruction requires a shutdown of operations;
 - structurally or functionally obsolete facility;
 - lack of adequate utility capacity;
 - lack of available work force; or similar reasons.

Once an application is received, if the company is proposing to move a facility from one Winnebago County location to another, Winnebago County will send a letter to the mayor of the current host community to verify the site constraints that are “pushing” the expansion to another Winnebago County location.

5) Acknowledgement of the CLAW-BACK Language

The application shall include an acknowledgement of the requirement to maintain operations at the project location for, at a minimum, the length of the incentive granted, beginning on the date the project is placed in service. A discontinuance by the company of operations at the project location during the first half of the term of this agreement shall result in all of the incentives taken by the company during such period being deemed “wrongfully incentivized under provisions adopting this Business Incentive resolution” and shall be subject to forfeiture. Discontinuance by the company of operations at the project location after said initial period (one half of the length of incentive granted) shall not result in the forfeiture of any incentives previously taken by the company but shall result in the discontinuance of future benefits.

CERTIFICATION OF APPLICATION

The CEO and/or Chairman of the Board of the applicant hereby acknowledges and agrees to their responsibilities relative to the Winnebago County Economic Development and Business Incentive program.

Timothy H. Owens

Signature of Applicant

Title

5/28/2021

Date

STATE OF ILLINOIS, } ss.
COUNTY OF WINNEBAGO }

I, LORI GUMMOW, County Clerk in and for said County, in the State aforesaid, do hereby certify that I have compared the foregoing attached copy of:

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE EXTENSION OF WATERMAIN ON BAXTER ROAD ACROSS I-90 AND WEST TO HARRISVILLE ROAD (SECTION 22-00714-00-MS)

with the original document which is on file in my office; and found it to be a true, perfect and complete copy of the original document.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County, at my office in the City of Rockford, in said County,

This 12TH DAY OF APRIL, 2024.

LORI GUMMOW, Winnebago County Clerk

BY: Angela Reina Deputy County Clerk



**RESOLUTION OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

2024 CR 062

**SUBMITTED BY: ECONOMIC DEVELOPMENT COMMITTEE
SPONSORED BY: JOHN SWEENEY**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE EXTENSION OF
WATERMAIN ON BAXTER ROAD ACROSS I-39 AND
WEST TO HARRISVILLE ROAD
(SECTION 22-00714-00-MS)**

WHEREAS, Winnebago County and the Villages of Cherry Valley and New Milford entered into an Intergovernmental Agreement, hereinafter referred to as "IGA", dated June 26, 2012, relating to the I-39/Baxter Road Redevelopment Project Area; and

WHEREAS, pursuant to the terms of the IGA the Villages on Cherry Valley and New Milford created an Industrial Job Recovery Law (IJRL District) to spur development in the Baxter Road at I-39 corridor; and

WHEREAS, the County is going to construct a water main from the east side of I-39 to the west side on Baxter Road including an additional steel casing pipe underneath I-39 at Rotary Road for future use; and

WHEREAS, an Intergovernmental Agreement with the Village of New Milford was approved by the County Board on February 8, 2024 for said watermain extension, to serve the properties annexed by the Village on the West side of I-39; and

WHEREAS, in connection with said water main projects, four bids were received, as shown on the attached bid tab, at the Winnebago County Highway Department on March 18, 2024 for Section 22-00714-00-MS with the low bid of all three section of work being from **Fisher Excavating, Inc. of Freeport, Illinois in the amount of \$2,367,476**; and

WHEREAS it would be in the public interest to award this project to the low bidder Fisher Excavating, Inc. of Freeport, Illinois in the amount of \$2,367,476 (\$1,840,710 by County; \$526,766 by New Milford) which includes the base bid, alternate 1 and alternate 2; and

NOW THEREFORE, BE IT RESOLVED by the County Board of the County of Winnebago, Illinois, that the low bid received on March 18, 2024 for Section 22-00714-00-MS from Fisher Excavating, Inc. in the amount of \$2,367,476 is hereby awarded and that Chairman of the County Board is hereby authorized to execute on behalf of the County of Winnebago a contract with Fisher Excavating, Inc. for the above noted work; and

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect immediately upon its adoption; and

BE IT FURTHER RESOLVED that the Clerk of the County Board is hereby directed to prepare and deliver one (1) certified copy of this Resolution to the Winnebago County Treasurer, Auditor, Chief Operations Officer, and Winnebago County Engineer.

Respectfully submitted
ECONOMIC DEVELOPMENT COMMITTEE

AGREE

DISAGREE



JOHN SWEENEY, CHAIRMAN

JOHN SWEENEY, CHAIRMAN

TIM NABORS, VICE CHAIR

TIM NABORS, VICE CHAIR



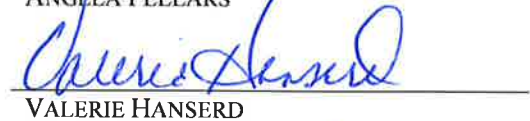
JEAN CROSBY

JEAN CROSBY



ANGELA FELLARS

ANGELA FELLARS



VALERIE HANSERD

VALERIE HANSERD



BRAD LINDMARK

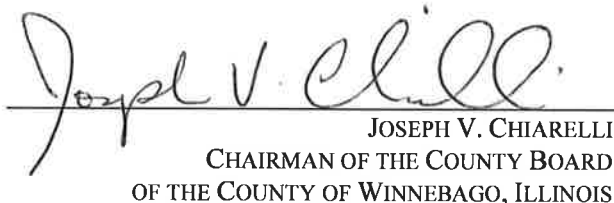
BRAD LINDMARK

virtual
YES
↳ _____
JOHN PENNEY

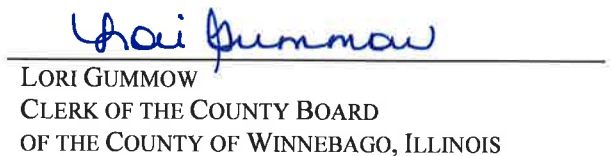
JOHN PENNEY

The County Board of the County of Winnebago, Illinois this 11th day of April, 2024, adopted the above and foregoing Resolution.

ATTESTED BY:



JOSEPH V. CHIARELLI
CHAIRMAN OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS



LORI GUMMOW
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS



WILLETTS HOFMANN
& ASSOCIATES INC
ENGINEERING ARCHITECTURE LAND SURVEYING

March 19, 2024

Carlos Molina, P.E., County Engineer
Winnebago County Highway Department
424 N. Springfield Avenue, Rockford, IL 61101

Re: Winnebago County Water District
Baxter Road Watermain Extension
Bid Summary and Award
WHA No. 1642D22

Dear Carlos:

Proposals for the Baxter Road Watermain Extension were received and opened on March 18, 2024, at 11:00 a.m. at the Winnebago County Highway Department. A total of four (4) proposals were received.

One (1) addendum was issued prior to the bid opening. All proposals were submitted with the required bid security. The proposals were reviewed for completeness and read aloud. A tabulation of all the bids, including a listing of items to be submitted with the proposal, was later verified. A copy of the bid tabulation is attached for your information.

BIDDING IRREGULARITIES

None.

SUMMARY OF BIDS

The Base Bid scope of work included the construction of a 16" watermain along Baxter Road from the entrance to Amazon Distribution Center to the west of the southbound on ramp onto I-39. The low Base Bid of \$1,656,178.00 was \$340,339.00 and 17.9% below our cost estimate of \$1,905,517.00.00 and \$130,297.56 below the 2nd bidder. A tabulation of all the bids comparing them to our estimate in dollars and percentages is as follows:

809 East 2nd Street, Dixon, IL 61021-0367 T: (815) 284-3381 F: (815) 284-3385

WillettsHofmann.com

Base Bid Tabulation

CONTRACTOR	BID	\$ Over/Under Estimate	% Over/Under Estimate
Fischer Excavating, Inc. Freeport, IL	\$1,565,178.00	\$340,339.00 ↓	17.9% ↓
Northern Illinois Service Co. Rockford, IL	\$1,695,475.56	\$210,041.44 ↓	11.0% ↓
N-Trak Group, LLC Loves Park, IL	\$2,095,128.06	\$189,611.06 ↑	10.0% ↑
H. Linden & Sons Plano, IL	\$2,305,426.00	\$399,909.00 ↑	21.0% ↑

The Alternate Bid No. 1 scope of work included the boring of a 30" steel casing pipe underneath I-39 south of Rotary Road. The low Alternate Bid No. 1 bid of \$275,532.00 was \$187,276.00 and 40.5% below our cost estimate of \$462,808.00 and \$31,988.51 below the 2nd bidder. A tabulation of all the bids comparing them to our estimate in dollars and percentages is as follows:

Alternate Bid No. 1 Bid Tabulation

CONTRACTOR	BID	\$ Over/Under Estimate	% Over/Under Estimate
Fischer Excavating, Inc. Freeport, IL	\$275,532.00	\$187,275.00 ↓	40.5% ↓
Northern Illinois Service Co. Rockford, IL	\$307,520.51	\$155,287.49 ↓	33.6% ↓
N-Trak Group, LLC Loves Park, IL	\$405,536.00	\$ 57,272.00 ↓	12.4% ↓
H. Linden & Sons Plano, IL	\$437,970.00	\$ 24,838.00 ↓	5.4% ↓

The Alternate Bid No 2 scope of work included the construction of a 16" watermain from just west of the southbound on ramp onto I-39 to Harrisville Road. The low Alternate Bid No. 2 bid of \$526,766.00 was \$84,780.00 and 13.9% below our cost estimate of \$611,546.00 and \$114,181.75 below the 2nd bidder. A tabulation of all the bids comparing them to our estimate in dollars and percentages is as follows:

Alternate Bid No. 2 Tabulation

CONTRACTOR	BID	\$ Over/Under Estimate	% Over/Under Estimate
Fischer Excavating, Inc. Freeport, IL	\$526,766.00	\$ 84,780.00 ↓	13.9% ↓
Northern Illinois Service Co. Rockford, IL	\$640,947.75	\$ 29,401.75 ↑	4.8% ↑
N-Trak Group, LLC Loves Park, IL	\$700,178.65	\$ 88,632.65 ↑	14.5% ↑
H. Linden & Sons Plano, IL	\$827,278.00	\$215,732.00 ↑	35.3% ↑

BID SUMMARY

The base bid and alternate bids are summarized in the table below including our engineer's estimate.

Bid Summary

CONTRACTOR	BASE BID	BASE BID + ALT. BID 1	BASE BID + ALT. BID 1 AND 2
Fischer Excavating, Inc. Freeport, IL	\$1,565,178.00	\$1,840,710.00	\$2,367,476.00
Northern Illinois Service Co. Rockford, IL	\$1,695,475.56	\$2,002,996.07	\$2,643,943.82
Engineer's Estimate	\$1,905,517.00	\$2,368,325.00	\$2,979,871.00
N-Trak Group, LLC Loves Park, IL	\$2,095,128.06	\$2,500,664.06	\$3,200,842.71
H. Linden & Sons Plano, IL	\$2,305,426.00	\$2,743,396.00	\$3,570,674.00

PROJECT AWARD

The Fischer Excavating, Inc. was the low bidder on the Base Bid, Alternate Bid No. 1, and Alternate Bid No. 2 and they were below our Engineer's Cost Estimate for each one. We recommend that the County award the Base Bid and any of the Alternate Bids that the County selects to Fischer Excavating, Inc., 1567 Heine Road, Freeport, IL 61032 for their low, responsive, and responsible bid. The Base Bid award amount is \$1,565,1778.00. The Base Bid plus Alternate Bid No. 1 award amount is \$1,840,710.00. The Base Bid plus Alternate Bid No. 1 and 2 award amount is \$2,367,476.00.

Mr. Carlos Molina, P.E.
Winnebago County Highway Department
March 19, 2024
Page 4

Enclosed are copies of the Notice of Award for Fischer Excavating, Inc. for the Base Bid, Base Bid plus Alternate Bid No. 1 and Base Bid plus Alternate Bid No. 1 and 2. Please sign and date the Notice of Award for what the County selects and awards and return that Notice of Award to us.

Please feel free call if you have any questions.

Sincerely,

WILLETT, HOFMANN & ASSOCIATES, INC.

BY 
Matt Hansen, P.E.

MH:kw

Encl.

cc: Sean Von Bergen, Winnebago County Highway Dept. (Email)

TABULATION OF BIDS

Contractor		Engineer's Estimate		Incher Excavating, Inc	Northern Illinois Service Co	N. Trak Group, LLC	Il. Lunden & Sons								
Address Acknowledgment (1)				X	X	X	X								
Formal Contract Proposal Executed				X	X	X	X								
Bid Bond				X	X	X	X								
Non-Collusion Affidavit				X	X	X	X								
Affidavit of Compliance				X	X	X	X								
DCA Alternative Action Plan Statement of Policy				X	X	X	X								
Certification of Non-Segregated Facilities				X	X	X	X								
Work Force Data Form				X	X	X	X								
Human Rights Number Form				X	X	X	X								
Certification of Eligibility				X	X	X	X								
Statement of Bidder's Qualifications				X	X	X	X								
No.	Item	Quantity	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BASE BID															
1	WATERMAIN, 16" DIA.	3.42	LF	\$ 300.00	\$ 690,400.00	\$ 199.00	\$ 486,948.00	\$ 232.00	\$ 569,994.00	\$ 283.00	\$ 863,830.00	\$ 275.00	\$ 649,300.00		
2	STEEL CASING PIPE, 30" DIA., BORED, ROCK	960	LF	\$ 1,800.00	\$ 694,000.00	\$ 1,105.00	\$ 419,000.00	\$ 1,283.00	\$ 468,300.00	\$ 1,350.00	\$ 695,000.00	\$ 1,500.00	\$ 570,000.00		
3	STEEL CASING PIPE, 30" DIA., BORED	80	LF	\$ 700.00	\$ 56,000.00	\$ 817.00	\$ 65,360.00	\$ 928.00	\$ 74,240.00	\$ 2,100.00	\$ 168,000.00	\$ 900.00	\$ 72,000.00		
4	BIDIRECTIONAL VALVE, 16" DIA.	12	EACH	\$ 12,000.00	\$ 144,000.00	\$ 7,000.00	\$ 84,000.00	\$ 8,000.00	\$ 96,000.00	\$ 9,000.00	\$ 108,000.00	\$ 12,000.00	\$ 144,000.00		
5	WATERMAIN CONNECTION, 16" DIA.	3	EACH	\$ 3,000.00	\$ 9,000.00	\$ 10,335.00	\$ 31,005.00	\$ 4,000.00	\$ 12,000.00	\$ 6,000.00	\$ 18,000.00	\$ 2,000.00	\$ 6,000.00		
6	DUCTILE IRON FITTINGS	2,704	IPS	\$ 18.00	\$ 48,672.00	\$ 13.00	\$ 40,360.00	\$ 17.00	\$ 22,448.00	\$ 14.00	\$ 37,856.00	\$ 14.00	\$ 37,856.00		
7	FIRE HYDRANT COMPLETE	4	EACH	\$ 9,000.00	\$ 36,000.00	\$ 10,326.00	\$ 41,304.00	\$ 8,000.00	\$ 32,000.00	\$ 10,000.00	\$ 40,000.00	\$ 10,000.00	\$ 40,000.00		
8	RELOCATED FIRE HYDRANT COMPLETE	1	EACH	\$ 9,000.00	\$ 9,000.00	\$ 6,001.00	\$ 6,001.00	\$ 3,000.00	\$ 3,000.00	\$ 10,000.00	\$ 10,000.00	\$ 8,000.00	\$ 8,000.00		
9	TRACER WIRE MARKER POST	9	EACH	\$ 500.00	\$ 4,500.00	\$ 333.00	\$ 2,997.00	\$ 300.00	\$ 2,700.00	\$ 600.00	\$ 5,400.00	\$ 200.00	\$ 1,800.00		
10	TEMPORARY FLUSHING AND SAMPLE TAP	2	EACH	\$ 1,200.00	\$ 2,400.00	\$ 887.00	\$ 1,774.00	\$ 2,000.00	\$ 4,000.00	\$ 3,000.00	\$ 6,000.00	\$ 2,000.00	\$ 4,000.00		
11	ROCK EXCAVATION	1,206	CY	\$ 100.00	\$ 120,600.00	\$ 82.00	\$ 98,892.00	\$ 0.01	\$ 12.06	\$ 0.01	\$ 12.06	\$ 140.00	\$ 168,840.00		
12	GRANULAR SELECT BACKFILL	23	CY	\$ 30.00	\$ 1,150.00	\$ 36.00	\$ 828.00	\$ 30.00	\$ 690.00	\$ 83.00	\$ 1,491.00	\$ 34.00	\$ 1,242.00		
13	TEMPORARY SURFACE OVER TRENCH	7	CY	\$ 30.00	\$ 210.00	\$ 42.00	\$ 294.00	\$ 20.00	\$ 140.00	\$ 150.00	\$ 1,050.00	\$ 180.00	\$ 1,260.00		
14	ILLUMINIOUS PAVEMENT REPLACEMENT, 4"	20	SY	\$ 100.00	\$ 2,100.00	\$ 310.00	\$ 6,310.00	\$ 173.00	\$ 3,475.00	\$ 200.00	\$ 4,200.00	\$ 45.00	\$ 1,005.00		
15	CLASS 2 SEEDING	9,443	SY	\$ 6.00	\$ 56,670.00	\$ 4.00	\$ 25,780.00	\$ 2.46	\$ 15,534.70	\$ 7.00	\$ 45,113.00	\$ 8.00	\$ 51,960.00		
16	PERIMETER EROSION BARRIER	340	LF	\$ 5.00	\$ 1,700.00	\$ 6.50	\$ 2,210.00	\$ 8.52	\$ 2,216.80	\$ 3.30	\$ 1,075.00	\$ 4.00	\$ 1,360.00		
17	TEMPORARY DITCH CHECKS	12	EACH	\$ 500.00	\$ 3,600.00	\$ 150.00	\$ 1,800.00	\$ 150.00	\$ 1,800.00	\$ 130.00	\$ 1,560.00	\$ 100.00	\$ 1,200.00		
18	TRAFFIC CONTROL AND PROTECTION	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 23,000.00	\$ 23,000.00	\$ 25,000.00	\$ 25,000.00	\$ 40,000.00	\$ 40,000.00	\$ 200,000.00	\$ 200,000.00		
19	CONSTRUCTION STAKING/AS-BUILDS	1	LS	\$ 4,000.00	\$ 4,000.00	\$ 3,300.00	\$ 3,300.00	\$ 4,000.00	\$ 4,000.00	\$ 7,500.00	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00		
20	BUR OAK (QUERCUS MACROCARPA) 1-2"	30	EACH	\$ 375.00	\$ 11,250.00	\$ 383.00	\$ 7,700.00	\$ 383.00	\$ 7,700.00	\$ 350.00	\$ 10,500.00	\$ 800.00	\$ 16,000.00		
21	WHITE OAK (QUERCUS ALBA) 1-2"	5	EACH	\$ 600.00	\$ 3,000.00	\$ 420.00	\$ 2,100.00	\$ 420.00	\$ 2,100.00	\$ 500.00	\$ 2,500.00	\$ 800.00	\$ 4,000.00		
22	SACBARK HICKORY (CARYA OVAIA)	15	EACH	\$ 600.00	\$ 9,000.00	\$ 323.00	\$ 7,875.00	\$ 323.00	\$ 7,875.00	\$ 325.00	\$ 7,875.00	\$ 800.00	\$ 12,000.00		
23	BLACK CHERRY (PRUNUS SEROTINA)	3	EACH	\$ 375.00	\$ 1,125.00	\$ 360.00	\$ 1,080.00	\$ 360.00	\$ 1,080.00	\$ 325.00	\$ 975.00	\$ 400.00	\$ 1,200.00		
24	DOCK SPUR (AWTIHORN) (CRATAEGUS CRUSGALLI) 1-1.5" OR PRAIRIE CRABAPPLE (MALUS LOENSIS), #13 CONTAINER	3	EACH	\$ 600.00	\$ 1,800.00	\$ 630.00	\$ 1,890.00	\$ 630.00	\$ 1,890.00	\$ 400.00	\$ 1,200.00	\$ 400.00	\$ 1,200.00		
TOTAL BASE BID PROPOSAL COST					\$ 1,905,517.00		\$ 1,565,178.00		\$ 1,693,473.56		\$ 2,095,128.04		\$ 2,303,426.00		

TABULATION OF BIDS

Contractor			Engineer's Estimate	Fischer Excavating, Inc.	Northern Illinois Service Co	N-Trak Group, LLC	H. Lunden & Sons					
ALTERNATE BID NO. 1												
1	STEEL CASING PIPE, 30" DIA., BORED, ROCK	710 L.F.	\$ 1,500.00	\$ 432,000.00	\$ 1,075.00	\$ 294,000.00	\$ 1,298.00	\$ 289,920.00	\$ 1,330.00	\$ 372,000.00	\$ 1,300.00	\$ 360,000.00
2	ROCK EXCAVATION	115 C.Y.	\$ 103.00	\$ 11,500.00	\$ 82.00	\$ 9,430.00	\$ 0.01	\$ 1.15	\$ 150.00	\$ 17,250.00	\$ 160.00	\$ 16,100.00
3	CLASS 2 SLEDDING	118 S.Y.	\$ 4.00	\$ 708.00	\$ 4.00	\$ 472.00	\$ 16.52	\$ 1,949.36	\$ 7.00	\$ 826.00	\$ 15.00	\$ 1,770.00
4	REMOVE AND REPLACE FENCE	100 L.F.	\$ 73.00	\$ 7,300.00	\$ 32.00	\$ 3,200.00	\$ 93.00	\$ 9,300.00	\$ 100.00	\$ 10,000.00	\$ 40.00	\$ 4,000.00
5	TEMPORARY ACCESS CONTROL FENCE	310 L.F.	\$ 30.00	\$ 3,300.00	\$ 8.00	\$ 860.00	\$ 15.00	\$ 1,650.00	\$ 18.00	\$ 1,760.00	\$ 18.00	\$ 1,100.00
6	TRAFFIC CONTROL AND PROTECTION	1 L.S.	\$ 6,000.00	\$ 6,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,500.00	\$ 3,300.00	\$ 3,200.00	\$ 3,200.00	\$ 30,000.00	\$ 30,000.00
7	CONSTRUCTION STAKING/AS BUILTS	1 L.S.	\$ 1,800.00	\$ 1,800.00	\$ 350.00	\$ 350.00	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 3,000.00	\$ 3,000.00
TOTAL ALTERNATE BID NO. 1 PROPOSAL COST				\$ 452,508.00	\$ 275,532.00	\$ 307,520.51		\$ 403,536.00		\$ 432,950.00		
ALTERNATE BID NO. 2												
1	WATER MAIN, 16" DIA.	1,774 L.F.	\$ 200.00	\$ 354,800.00	\$ 174.00	\$ 305,676.00	\$ 232.00	\$ 407,048.00	\$ 283.00	\$ 501,360.00	\$ 273.00	\$ 487,530.00
2	STEEL CASING PIPE, 30" DIA., BORED	80 L.F.	\$ 700.00	\$ 56,000.00	\$ 820.00	\$ 65,600.00	\$ 928.00	\$ 74,240.00	\$ 1,000.00	\$ 80,000.00	\$ 900.00	\$ 72,000.00
3	BUTTERFLY VALVE, 16" DIA.	4 EACH	\$ 12,000.00	\$ 48,000.00	\$ 7,000.00	\$ 28,000.00	\$ 8,000.00	\$ 32,000.00	\$ 9,000.00	\$ 36,000.00	\$ 12,000.00	\$ 48,000.00
4	DUCTILE IRON FITTINGS	1,417 LBS.	\$ 18.00	\$ 25,506.00	\$ 15.00	\$ 21,255.00	\$ 12.00	\$ 17,004.00	\$ 14.00	\$ 19,538.00	\$ 14.00	\$ 19,838.00
5	FIRE HYDRANT COMPLETE	3 EACH	\$ 9,000.00	\$ 27,000.00	\$ 10,250.00	\$ 30,750.00	\$ 8,000.00	\$ 24,000.00	\$ 10,000.00	\$ 30,000.00	\$ 10,000.00	\$ 30,000.00
6	TRACER WIRE MARKER POST	3 EACH	\$ 500.00	\$ 1,500.00	\$ 250.00	\$ 750.00	\$ 500.00	\$ 1,500.00	\$ 600.00	\$ 1,800.00	\$ 200.00	\$ 600.00
7	ROCK EXCAVATION	563 C.Y.	\$ 100.00	\$ 56,300.00	\$ 82.00	\$ 46,330.00	\$ 0.01	\$ 3.63	\$ 0.01	\$ 5.63	\$ 160.00	\$ 79,100.00
8	GRANULAR SELECT BACKFILL	31 C.Y.	\$ 30.00	\$ 1,500.00	\$ 36.00	\$ 1,116.00	\$ 30.00	\$ 930.00	\$ 35.00	\$ 2,015.00	\$ 32.00	\$ 1,612.00
9	TEMPORARY SURFACE OVER DRENCH	7 C.Y.	\$ 30.00	\$ 300.00	\$ 42.00	\$ 294.00	\$ 30.00	\$ 210.00	\$ 150.00	\$ 1,050.00	\$ 180.00	\$ 1,260.00
10	BITUMINOUS PAVEMENT REPLACEMENT, 4"	31 S.Y.	\$ 100.00	\$ 3,100.00	\$ 115.00	\$ 3,658.00	\$ 175.00	\$ 5,425.00	\$ 200.00	\$ 6,200.00	\$ 58.00	\$ 1,798.00
11	CLASS 2 SLEDDING	3,690 S.Y.	\$ 4.00	\$ 22,140.00	\$ 4.00	\$ 14,760.00	\$ 2.79	\$ 10,295.10	\$ 3.00	\$ 11,070.00	\$ 8.00	\$ 29,320.00
12	TEMPORARY DITCH CHECKS	7 EACH	\$ 300.00	\$ 2,100.00	\$ 150.00	\$ 1,050.00	\$ 150.00	\$ 1,650.00	\$ 130.00	\$ 910.00	\$ 100.00	\$ 700.00
13	TRAFFIC CONTROL AND PROTECTION	1 L.S.	\$ 10,000.00	\$ 10,000.00	\$ 3,000.00	\$ 3,000.00	\$ 23,210.00	\$ 23,210.00	\$ 3,200.00	\$ 3,200.00	\$ 30,000.00	\$ 30,000.00
14	CONSTRUCTION STAKING/AS BUILTS	1 L.S.	\$ 3,000.00	\$ 3,000.00	\$ 1,300.00	\$ 1,300.00	\$ 2,000.00	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00
TOTAL ALTERNATE BID NO. 2 PROPOSAL COST				\$ 611,546.00	\$ 516,766.00	\$ 640,947.73		\$ 701,178.65		\$ 827,270.00		

NOTICE OF AWARD

To: Fischer Excavating, Inc.
1567 Heine Road
Freeport, IL 61032

Project Description: Baxter Road Watermain Extension

The OWNER has considered the Proposal (Bid) submitted by you for the above described WORK in response to its Invitation for Bids dated February 26, 2024.

You are hereby notified that your Proposal (Bid) has been accepted for items in the amount of \$1,565,178.00 or at the Proposal Unit Prices.

You are required by the Invitation for Bids to execute the CONTRACT and furnish the required CONTRACTOR'S PERFORMANCE AND PAYMENT Bonds and certificates of insurance within fifteen (15) calendar days from the date of this Notice to you.

If you fail to execute said CONTRACT and to furnish said Bonds within fifteen (15) calendar days from this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your Proposal (Bid) as abandoned and as a forfeiture of your Bid Bond. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this Notice of Award to the OWNER.

Dated this _____ day of _____, 2024.

Winnebago County, Illinois
OWNER
By _____
Title _____

ACCEPTANCE OF NOTICE

Receipt of the above Notice of Award is hereby acknowledged by

Fischer Excavating, Inc.

this the _____ day of _____, 2024

By _____

Title _____

NOTICE OF AWARD

To: Fischer Excavating, Inc.
1567 Heine Road
Freeport, IL 61032

Project Description: Baxter Road Watermain Extension

The OWNER has considered the Proposal (Bid) submitted by you for the above described WORK in response to its Invitation for Bids dated February 26, 2024.

You are hereby notified that your Proposal (Bid) has been accepted for items in the amount of \$1,840,710.00 or at the Proposal Unit Prices.

You are required by the Invitation for Bids to execute the CONTRACT and furnish the required CONTRACTOR’S PERFORMANCE AND PAYMENT Bonds and certificates of insurance within fifteen (15) calendar days from the date of this Notice to you.

If you fail to execute said CONTRACT and to furnish said Bonds within fifteen (15) calendar days from this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER’S acceptance of your Proposal (Bid) as abandoned and as a forfeiture of your Bid Bond. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this Notice of Award to the OWNER.

Dated this _____ day of _____, 2024.

Winnebago County, Illinois
OWNER

By _____

Title _____

ACCEPTANCE OF NOTICE

Receipt of the above Notice of Award is hereby acknowledged by

Fischer Excavating, Inc.

this the _____ day of _____, 20 24

By _____

Title _____

NOTICE OF AWARD

To: Fischer Excavating, Inc.
1567 Heine Road
Freeport, IL 61032

Project Description: Baxter Road Watermain Extension

The OWNER has considered the Proposal (Bid) submitted by you for the above described WORK in response to its Invitation for Bids dated February 26, 2024.

You are hereby notified that your Proposal (Bid) has been accepted for items in the amount of \$2,367,476.00 or at the Proposal Unit Prices.

You are required by the Invitation for Bids to execute the CONTRACT and furnish the required CONTRACTOR’S PERFORMANCE AND PAYMENT Bonds and certificates of insurance within fifteen (15) calendar days from the date of this Notice to you.

If you fail to execute said CONTRACT and to furnish said Bonds within fifteen (15) calendar days from this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER’S acceptance of your Proposal (Bid) as abandoned and as a forfeiture of your Bid Bond. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this Notice of Award to the OWNER.

Dated this _____ day of _____, 2024.

Winnebago County, Illinois
OWNER
By _____
Title _____

ACCEPTANCE OF NOTICE

Receipt of the above Notice of Award is hereby acknowledged by

Fischer Excavating, Inc.
this the _____ day of _____, 20 24
By _____
Title _____

TABULATION OF BIDS

Bid Opening: March 16, 2024
 11:00 A.M.
 Winnebago Co. Highway Dept

Contractor	Item	Quantity	Units	Fischer Excavating, Inc.		Northern Illinois Service Co.		N-Trak Group, LLC		H, Linden & Sons	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
	BASE BID										
	1 WATERMAIN, 16" DIA.	3,452	L.F.	\$ 199.00	\$ 686,948.00	\$ 252.00	\$ 869,904.00	\$ 285.00	\$ 983,320.00	\$ 275.00	\$ 949,300.00
	2 STEEL CASING PIPE, 30" DIA., BORED, ROCK	380	L.F.	\$ 1,105.00	\$ 419,900.00	\$ 1,285.00	\$ 488,300.00	\$ 1,550.00	\$ 589,000.00	\$ 1,500.00	\$ 570,000.00
	3 STEEL CASING PIPE, 30" DIA., BORED	80	L.F.	\$ 817.00	\$ 65,360.00	\$ 928.00	\$ 74,240.00	\$ 2,100.00	\$ 168,000.00	\$ 900.00	\$ 72,000.00
	4 BUTTERFLY VALVE, 16" DIA.	12	EACH	\$ 7,000.00	\$ 84,000.00	\$ 8,000.00	\$ 96,000.00	\$ 9,000.00	\$ 108,000.00	\$ 12,000.00	\$ 144,000.00
	5 WATERMAIN COUPLING, 16" DIA.	3	EACH	\$ 10,335.00	\$ 31,005.00	\$ 4,000.00	\$ 12,000.00	\$ 6,000.00	\$ 18,000.00	\$ 2,000.00	\$ 6,000.00
	6 DUCTILE IRON FITTINGS	2,704	LBS	\$ 15.00	\$ 40,560.00	\$ 12.00	\$ 32,448.00	\$ 14.00	\$ 37,856.00	\$ 14.00	\$ 37,856.00
	7 FIRE HYDRANT COMPLETE	4	EACH	\$ 10,326.00	\$ 41,304.00	\$ 8,000.00	\$ 32,000.00	\$ 10,000.00	\$ 40,000.00	\$ 10,000.00	\$ 40,000.00
	8 RELOCATED FIRE HYDRANT COMPLETE	1	EACH	\$ 6,001.00	\$ 6,001.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 8,000.00	\$ 8,000.00
	9 TRACER WIRE MARKER POST	9	EACH	\$ 233.00	\$ 2,097.00	\$ 500.00	\$ 4,500.00	\$ 600.00	\$ 5,400.00	\$ 200.00	\$ 1,800.00
	10 TEMPORARY FLUSHING AND SAMPLE TAP	2	EACH	\$ 882.00	\$ 1,764.00	\$ 2,000.00	\$ 4,000.00	\$ 3,000.00	\$ 6,000.00	\$ 2,000.00	\$ 4,000.00
	11 ROCK EXCAVATION	1,206	C.Y.	\$ 82.00	\$ 98,892.00	\$ 0.01	\$ 12.06	\$ 65.00	\$ 12.06	\$ 140.00	\$ 168,840.00
	12 GRANULAR SELECT BACKFILL	23	C.Y.	\$ 36.00	\$ 828.00	\$ 30.00	\$ 690.00	\$ 65.00	\$ 1,495.00	\$ 54.00	\$ 1,242.00
	13 TEMPORARY SURFACE OVER TRENCH	7	C.Y.	\$ 42.00	\$ 294.00	\$ 30.00	\$ 210.00	\$ 150.00	\$ 1,050.00	\$ 180.00	\$ 1,260.00
	14 BITUMINOUS PAVEMENT REPLACEMENT, 4"	11	S.Y.	\$ 310.00	\$ 6,510.00	\$ 175.00	\$ 3,675.00	\$ 200.00	\$ 4,200.00	\$ 48.00	\$ 1,008.00
	15 CLASS 2 SEEDING	6,445	S.Y.	\$ 4.00	\$ 25,780.00	\$ 2.46	\$ 15,854.70	\$ 7.00	\$ 45,115.00	\$ 8.00	\$ 51,566.00
	16 PERMETER FROSION BARRIER	340	L.F.	\$ 6.50	\$ 2,210.00	\$ 6.52	\$ 2,216.80	\$ 5.50	\$ 1,870.00	\$ 4.00	\$ 1,360.00
	17 TEMPORARY DITCH CHECKS	12	EACH	\$ 150.00	\$ 1,800.00	\$ 150.00	\$ 1,800.00	\$ 130.00	\$ 1,560.00	\$ 100.00	\$ 1,200.00
	18 TRAFFIC CONTROL AND PROTECTION	1	L.S.	\$ 23,000.00	\$ 23,000.00	\$ 25,000.00	\$ 25,000.00	\$ 40,000.00	\$ 40,000.00	\$ 200,000.00	\$ 200,000.00
	19 CONSTRUCTION STAKING/AS-BUILTS	1	L.S.	\$ 3,300.00	\$ 3,300.00	\$ 4,000.00	\$ 4,000.00	\$ 7,500.00	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00
	20 BUR OAK (QUERCUS MACROCARPA), 1-2"	20	EACH	\$ 385.00	\$ 7,700.00	\$ 385.00	\$ 7,700.00	\$ 550.00	\$ 11,000.00	\$ 800.00	\$ 16,000.00
	21 WHITE OAK (QUERCUS ALBA), 1-2"	5	EACH	\$ 420.00	\$ 2,100.00	\$ 420.00	\$ 2,100.00	\$ 550.00	\$ 2,750.00	\$ 800.00	\$ 4,000.00
	22 SHAGBARK HICKORY (CARYA OVATA)	15	EACH	\$ 525.00	\$ 7,875.00	\$ 525.00	\$ 7,875.00	\$ 525.00	\$ 7,875.00	\$ 800.00	\$ 12,000.00
	23 BLACK CHERRY (PRUNUS SEROTINA)	5	EACH	\$ 560.00	\$ 2,800.00	\$ 560.00	\$ 2,800.00	\$ 525.00	\$ 2,625.00	\$ 400.00	\$ 2,000.00
	COCK SPUR HAWTHORN (CIRIACUS CRUSGALLI), 1-1.5" OR PRAIRIE										
	24 CRAPAPPLE (MALUS LOENSIS), #15 CONTAINER	5	EACH	\$ 630.00	\$ 3,150.00	\$ 630.00	\$ 3,150.00	\$ 400.00	\$ 2,000.00	\$ 400.00	\$ 2,000.00
	TOTAL BASE BID PROPOSAL COST				\$ 1,545,178.00		\$ 1,695,475.56		\$ 2,095,128.06		\$ 2,305,426.00

TABULATION OF BIDS

Bid Opening: March 18, 2024
 11:00 A.M.
 Winnebago Co., Highway Dept

Contractor		Fischer Excavating, Inc.	Northern Illinois Service Co.	N-Trak Group, LLC	H. Linden & Sons
ALTERNATE BID NO. 1					
1	STEEL CASING PIPE, 30" DIA., BORED, ROCK	240 L.F. \$ 1,075.00 \$ 258,000.00 \$ 1,208.00 \$ 289,920.00 \$ 1,550.00 \$ 372,000.00 \$ 1,500.00 \$ 360,000.00			
2	ROCK EXCAVATION	115 C.Y. \$ 82.00 \$ 9,430.00 \$ 0.01 \$ 0.01 \$ 150.00 \$ 17,250.00 \$ 140.00 \$ 16,100.00			
3	CLASS 2 SEEDING	118 S.Y. \$ 4.00 \$ 472.00 \$ 16.52 \$ 1,949.36 \$ 7.00 \$ 826.00 \$ 15.00 \$ 1,770.00			
4	REMOVE AND REPLACE FENCE	100 L.F. \$ 32.00 \$ 3,200.00 \$ 95.00 \$ 9,500.00 \$ 100.00 \$ 10,000.00 \$ 40.00 \$ 4,000.00			
5	TEMPORARY ACCESS CONTROL FENCE	110 L.F. \$ 8.00 \$ 880.00 \$ 15.00 \$ 1,650.00 \$ 16.00 \$ 1,760.00 \$ 10.00 \$ 1,100.00			
6	TRAFFIC CONTROL AND PROTECTION	1 L.S. \$ 3,000.00 \$ 3,000.00 \$ 3,500.00 \$ 3,500.00 \$ 3,200.00 \$ 3,200.00 \$ 50,000.00 \$ 50,000.00			
7	CONSTRUCTION STAKING/AS-BUILTS	1 L.S. \$ 550.00 \$ 550.00 \$ 1,000.00 \$ 1,000.00 \$ 500.00 \$ 500.00 \$ 5,000.00 \$ 5,000.00			
TOTAL ALTERNATE BID NO. 1 PROPOSAL COST			\$ 307,552.00	\$ 405,536.00	\$ 437,970.00
ALTERNATE BID NO. 2					
1	WATERMAIN, 16" DIA.	1,774 L.F. \$ 174.00 \$ 308,676.00 \$ 252.00 \$ 447,048.00 \$ 285.00 \$ 505,590.00 \$ 275.00 \$ 487,850.00			
2	STEEL CASING PIPE, 30" DIA., BORED	80 L.F. \$ 800.00 \$ 64,000.00 \$ 928.00 \$ 74,240.00 \$ 1,000.00 \$ 80,000.00 \$ 900.00 \$ 72,000.00			
3	BUTTERFLY VALVE, 16" DIA	4 EACH \$ 7,000.00 \$ 28,000.00 \$ 8,000.00 \$ 32,000.00 \$ 9,000.00 \$ 36,000.00 \$ 12,000.00 \$ 48,000.00			
4	DUCTILE IRON FITTINGS	1,417 LBS \$ 15.00 \$ 21,255.00 \$ 12.00 \$ 17,004.00 \$ 14.00 \$ 19,838.00 \$ 14.00 \$ 19,838.00			
5	FIRE HYDRANT COMPLETE	3 EACH \$ 10,326.00 \$ 30,978.00 \$ 8,000.00 \$ 24,000.00 \$ 10,000.00 \$ 30,000.00 \$ 10,000.00 \$ 30,000.00			
6	TRACER WIRE MARKER POST	3 EACH \$ 233.00 \$ 699.00 \$ 500.00 \$ 1,500.00 \$ 600.00 \$ 1,800.00 \$ 200.00 \$ 600.00			
7	ROCK EXCAVATION	563 C.Y. \$ 82.00 \$ 46,306.00 \$ 0.01 \$ 5.65 \$ 0.01 \$ 5.65 \$ 140.00 \$ 79,100.00			
8	GRANULAR SELECT BACKFILL	31 C.Y. \$ 36.00 \$ 1,116.00 \$ 30.00 \$ 930.00 \$ 65.00 \$ 2,015.00 \$ 52.00 \$ 1,672.00			
9	TEMPORARY SURFACE OVER TRENCH	7 C.Y. \$ 42.00 \$ 294.00 \$ 30.00 \$ 210.00 \$ 150.00 \$ 1,050.00 \$ 180.00 \$ 1,260.00			
10	BITUMINOUS PAVEMENT REPLACEMENT, 4"	31 S.Y. \$ 118.00 \$ 3,658.00 \$ 175.00 \$ 5,425.00 \$ 200.00 \$ 6,200.00 \$ 58.00 \$ 1,796.00			
11	CLASS 2 SEEDING	3,690 S.Y. \$ 4.00 \$ 14,760.00 \$ 2.79 \$ 10,295.10 \$ 3.00 \$ 11,070.00 \$ 8.00 \$ 29,520.00			
12	TEMPORARY DITCH CHECKS	7 EACH \$ 150.00 \$ 1,050.00 \$ 150.00 \$ 1,050.00 \$ 130.00 \$ 910.00 \$ 100.00 \$ 700.00			
13	TRAFFIC CONTROL AND PROTECTION	1 L.S. \$ 3,000.00 \$ 3,000.00 \$ 25,240.00 \$ 25,240.00 \$ 3,200.00 \$ 3,200.00 \$ 50,000.00 \$ 50,000.00			
14	CONSTRUCTION STAKING/AS-BUILTS	1 L.S. \$ 1,350.00 \$ 1,350.00 \$ 2,000.00 \$ 2,000.00 \$ 2,500.00 \$ 2,500.00 \$ 5,000.00 \$ 5,000.00			
TOTAL ALTERNATE BID NO. 2 PROPOSAL COST			\$ 640,947.75	\$ 700,178.65	\$ 827,278.00

STATE OF ILLINOIS
WINNEBAGO COUNTY WATER DISTRICT
WATER SYSTEM IMPROVEMENTS
SECTION NO.: 22-00714-00-MS

**BAXTER ROAD WATERMAIN EXTENSION
LOCATION MAP**

22-00741-00-MS PROJECT BEGINS
STA 101+18

22-00741-00-MS PROJECT ENDS
STA 104+78



NEW MILFORD PROJECT BEGINS
STA 100+40

NEW MILFORD PROJECT ENDS &
COUNTY PROJECT BEGINS
STA 117+00 / STA 10+00



COUNTY PROJECT ENDS
STA 41+87

BAXTER ROAD: 4,500 FT = 0.85 MILES

ADT: 3,550 (2022) 5% TRUCKS
FUNCTIONAL CLASSIFICATION: MAJOR COLLECT
DESIGN SPEED: 55 MPH
DESIGN POLICY: 3R



(11)

COMMITTEE: Economic Development

SUBJECT: Res. Auth. Bid For Ext. g Water main
Baxter

	AYES	NAYES	PRESENT	ABSENT	ABSTAINED
1. ARENA, PAUL M.	✓				
2. BOOKER, AARON	✓				
3. BUTITTA, JOHN				✓	
4. CROSBY, JEAN	✓				
5. FELLARS, ANGELA	✓				
6. GORAL, ANGIE	✓				
7. GUEVARA, JOHN M.	✓				
8. HANSERD, VALERIE	✓				
9. HOFFMAN, JOE C.				✓	
10. LINDMARK, BRAD	✓				
11. MCCARTHY, KEVIN	✓				
12. MCDONALD, KEITH	✓				
13. NABORS, TIMOTHY	✓				
14. PENNEY, JOHN				✓	
15. SALGADO, JAIME J.	✓				
16. SCROL, CHRISTOPHER				✓	
17. SWEENEY, JOHN F.	✓				
18. TASSONI, DAVE	✓				
19. THOMPSON, MICHAEL J.	✓				
20. WEBSTER, JIM	✓				
TOTALS <i>Unanimous Vote</i>	16			4	

STATE OF ILLINOIS, } ss.
COUNTY OF WINNEBAGO }

I, LORI GUMMOW, County Clerk in and for said County, in the State aforesaid, do hereby certify that I have compared the foregoing attached copy of:

RESOLUTION AUTHORIZING A CONSTRUCTION ENGINEERING SERVICES AGREEMENT WITH WILLETT HOFMANN & ASSOCIATES INC. FOR THE EXTENSION OF WATERMAIN ON BAXTER ROAD I-39 AND WEST TO HARRISVILLE ROAD (SECTION 22-00714-00-MS)

with the original document which is on file in my office; and found it to be a true, perfect and complete copy of the original document.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County, at my office in the City of Rockford, in said County,

This 12TH DAY OF APRIL, 2024.

LORI GUMMOW, Winnebago County Clerk

BY: Angela Reina Deputy County Clerk



**RESOLUTION OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

2024 CR 063

**SUBMITTED BY: ECONOMIC DEVELOPMENT COMMITTEE
SPONSORED BY: JOHN SWEENEY**

**RESOLUTION AUTHORIZING A CONSTRUCTION ENGINEERING SERVICES
AGREEMENT WITH WILLETT HOFMANN & ASSOCIATES INC. FOR THE EXTENSION
OF WATERMAIN ON BAXTER ROAD I-39 AND WEST TO HARRISVILLE ROAD
(SECTION 22-00714-00-MS)**

WHEREAS, Article VII, Section 10(a) of the Constitution of the State of Illinois authorizes municipal corporations and other governmental entities to join together in intergovernmental agreements for the purpose of achieving statutory objectives and goals individually and jointly; and

WHEREAS, Winnebago County and the Villages of Cherry Valley and New Milford entered into an Intergovernmental Agreement, hereinafter referred to as the "IGA", dated June 26, 2012, relating to the I-39/Baxter Road Redevelopment Project Area; and

WHEREAS, pursuant to the terms of the IGA the Villages on Cherry Valley and New Milford created an Industrial Job Recovery Law (IJRL District) to spur development in the Baxter Road at I-39 corridor; and

WHEREAS, the County is going to construct a water main from the east side of I-39 to the west side on Baxter Road, including an additional steel casing pipe underneath I-39 at Rotary Road for future use; and

WHEREAS, the Village of New Milford is desirous to expand this water main from the west side of I-39 to Harrisville Road as the Village has annexed certain properties along the north and south side of Baxter Road to Interstate 39; and an Intergovernmental Agreement with the Village of New Milford was approved by the County Board for said watermain extension on February 8, 2024; and

WHEREAS, there is insufficient County Highway Engineering staff to provide Phase III construction engineering inspection for this project; and

WHEREAS, Willett Hofmann & Associates Inc. has agreed to provide Phase III construction engineering services for a fee not to exceed \$113,418.00 (\$84,006 by County and \$29,412 by New Milford) as set forth in the attached Agreement; and

WHEREAS it would be in the public interest to enter into the attached Local Public Agency Engineering Services Agreement to provide Phase III construction engineering services for water main construction on Baxter Road from east of I-39 to Harrisville Road.

NOW THEREFORE, BE IT RESOLVED by the County Board of the County of Winnebago, Illinois, that the Chairman of the County Board is hereby authorized to execute on behalf of the County of Winnebago the attached Local Public Agency Engineering Services Agreement with Willett Hofmann & Associates Inc. at a not to exceed price of \$113,418.00 to provide Phase III construction engineering for water main extension on Baxter Road from east of I-39 to Harrisville in substantially the form attached hereto; and

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect immediately upon its adoption; and

BE IT FURTHER RESOLVED that the Clerk of the County Board is hereby directed to prepare and deliver one (1) certified copy of this Resolution to the Winnebago County Treasurer, Auditor, Chief Operations Officer, and Winnebago County Engineer.

Respectfully submitted
ECONOMIC DEVELOPMENT COMMITTEE

AGREE

DISAGREE

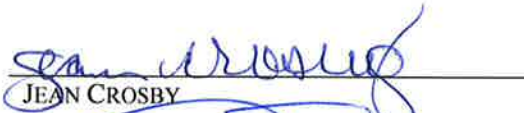


JOHN SWEENEY, CHAIRMAN

JOHN SWEENEY, CHAIRMAN

TIM NABORS, VICE CHAIR

TIM NABORS, VICE CHAIR



JEAN CROSBY

JEAN CROSBY



ANGELA FELLARS

ANGELA FELLARS



VALERIE HANSERD

VALERIE HANSERD



BRAD LINDMARK

BRAD LINDMARK

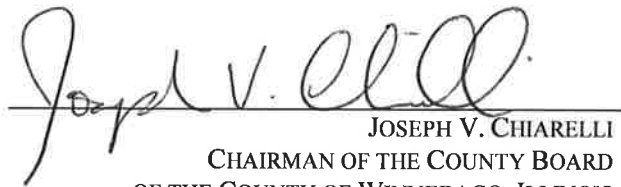
virtual
yes →

JOHN PENNEY

JOHN PENNEY

The County Board of the County of Winnebago, Illinois this 11th day of April, 2024, adopted the above and foregoing Resolution.

ATTESTED BY:



JOSEPH V. CHIARELLI
CHAIRMAN OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS



LORI GUMMOW
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS



Local Public Agency Engineering Services Agreement

Using Federal Funds? [] Yes [x] No Agreement For: MFT CE Agreement Type: Original

LOCAL PUBLIC AGENCY

Local Public Agency: Winnebago County Highway Department County: Winnebago Section Number: N/A Job Number: N/A Contact Name: Carlos Molina Phone Number: (815) 319-4031 Email: Cmolina@hwy.wincoil.gov

SECTION PROVISIONS

Local Street/Road Name: Baxter Road Key Route: Length: Structure Number: N/A Location Termini: Entrance to Amazon Distribution Center to Harrisville Road. Under I-39 south of Rotary Road.

Project Description: Base Bid: Construct 16" watermain along Baxter Road from entrance to Amazon Distribution Center to the west side of I-39. Alternate Bid No. 1: Bore a 30" steel casing pipe under I-39 just south of Rotary Road. Alternate Bid No. 2: Construct 16" watermain from just west of southbound I-39 on ramp to Harrisville Road.

Engineering Funding: [] MFT/TBP [] State [x] Other Local Anticipated Construction Funding: [] Federal [] MFT/TBP [] State [x] Other Local

AGREEMENT FOR

[] Phase I - Preliminary Engineering [] Phase II - Design Engineering [x] Phase III - Construction Engineering

CONSULTANT

Prime Consultant (Firm) Name: Willett, Hofmann & Associates Contact Name: Matt Hansen Phone Number: (815) 284-3381 Email: mhansen@willetthofmann.com Address: 809 East 2nd Street City: Dixon State: IL Zip Code: 61021

THIS AGREEMENT IS MADE between the above Local Public Agency (LPA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the improvement of the above SECTION.

Since the services contemplated under the AGREEMENT are professional in nature, it is understood that the ENGINEER, acting as an individual, partnership, firm or legal entity, qualifies for professional status and will be governed by professional ethics in its relationship to the LPA and the DEPARTMENT.

WHEREVER IN THIS AGREEMENT or attached exhibits the following terms are used, they shall be interpreted to mean:

- Regional Engineer: Deputy Director, Office of Highways Project Implementation, Regional Engineer, Department of Transportation
Resident Construction Supervisor: Authorized representative of the LPA in immediate charge of the engineering details of the construction PROJECT
In Responsible Charge Contractor: A full time LPA employee authorized to administer inherently governmental PROJECT activities Company or Companies to which the construction contract was awarded

AGREEMENT EXHIBITS

The following EXHIBITS are attached hereto and made a part of hereof this AGREEMENT:

- EXHIBIT A: Scope of Services
- EXHIBIT B: Project Schedule
- EXHIBIT C: Qualification Based Selection (QBS) Checklist
- EXHIBIT D: Cost Estimate of Consultant (CECS) Services Worksheet (BLR 05513 or BLR 05514)
- EXHIBIT ___ : Direct Costs Check Sheet (attach BDE 436 when using Lump Sum on Specific Rate Compensation)
- Exhibit D1: Base Bid and Alternate Bid No. 1
- Exhibit D2: Alternate Bid 2
- _____

I. THE ENGINEER AGREES;

1. To perform or be responsible for the performance of the Scope of Services presented in EXHIBIT A for the LPA in connection with the proposed improvements herein before described.
2. The Classifications of the employees used in the work shall be consistent with the employee classifications and estimated staff hours. If higher-salaried personnel of the firm, including the Principal Engineer, perform services that are to be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the payroll rate for the work performed.
3. That the ENGINEER shall be responsible for the accuracy of the work and shall promptly make necessary revisions or corrections required as a result of the ENGINEER'S error, omissions or negligent acts without additional compensation. Acceptance of work by the LPA or DEPARTMENT will not relieve the ENGINEER of the responsibility to make subsequent correction of any such errors or omissions or the responsibility for clarifying ambiguities.
4. That the ENGINEER will comply with applicable Federal laws and regulations, State of Illinois Statutes, and the local laws or ordinances of the LPA.
5. To pay its subconsultants for satisfactory performance no later than 30 days from receipt of each payment from the LPA.
6. To invoice the LPA, The ENGINEER shall submit all invoices, based on the ENGINEER's progress reports, to the LPA employee In Responsible Charge, no more than once a month for partial payment on account for the ENGINEER's work to date. Such invoices shall represent the value, to the LPA of the partially completed work, based on the sum of the actual costs incurred, plus a percentage (equal to the percentage of the construction engineering completed) of the fixed fee for the fully completed work.
7. The ENGINEER or subconsultant shall not discriminate on the basis of race, color, national origin or sex in the performance of this AGREEMENT. The ENGINEER shall carry out applicable requirements of 49 CFR part 26 in the administration of US Department of Transportation (US DOT) assisted contract. Failure by the Engineer to carry out these requirements is a material breach of this AGREEMENT, which may result in the termination of this AGREEMENT or such other remedy as the LPA deems appropriate.
8. That none of the services to be furnished by the ENGINEER shall be sublet, assigned or transferred to any other party or parties without written consent of the LPA. The consent to sublet, assign or otherwise transfer any portion of the services to be furnished by the ENGINEER shall be construed to relieve the ENGINEER of any responsibility for the fulfillment of this AGREEMENT.
9. For Construction Engineering Contracts:
 - (a) For Quality Assurance services, provide personnel who have completed the appropriate STATE Bureau of Materials QC/QA trained technical classes.
 - (b) For all projects where testing is required, the ENGINEER shall obtain samples according to the STATE Bureau of Materials "Manual of Test Procedures for Materials," submit STATE Bureau of Materials inspection reports; and verify compliance with contract specifications.
10. That engineering services shall include all equipment, instruments, supplies, transportation and personnel required to perform the duties of the ENGINEER in connection with this AGREEMENT (See DIRECT COST tab in BLR 05513 or BLR 05514).

II. THE LPA AGREES,

1. To certify by execution of this AGREEMENT that the selection of the ENGINEER was performed in accordance with the Professional Services Selection Act (50 ILCS 510) (Exhibit C).
2. To furnish the ENGINEER all presently available survey data, plans, specifications, and project information.
3. For Construction Engineering Contracts:
 - (a) To furnish a full time LPA employee to be In Responsible Charge authorized to administer inherently governmental PROJECT activities.
 - (b) To submit approved forms BC 775 and BC 776 to the DEPARTMENT when federal funds are utilized.
4. To pay the ENGINEER:
 - (a) For progressive payments - Upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LPA, monthly payments for the work performed shall be due and payable to the ENGINEER, such payments to be equal to the value of the partially completed work minus all previous partial payments made to the ENGINEER.
 - (b) Final payment - Upon approval of the work by the LPA but not later than 60 days after the work is completed and reports have been made and accepted by the LPA and DEPARTMENT a sum of money equal to the basic fee as

determined in this AGREEMENT less the total of the amount of partial payments previously paid to the ENGINEER shall be due and payable to the ENGINEER.

(c) For Non-Federal County Projects - (605 ILCS 5/5-409)

- (1) For progressive payments - Upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LPA, monthly payments for the work performed shall be due and payable to the ENGINEER. Such payments to be equal to the value of the partially completed work in all previous partial payments made to the ENGINEER.
- (2) Final payment - Upon approval of the work by the LPA but not later than 60 days after the work is completed and reports have been made and accepted by the LPA and STATE, a sum of money equal to the basic fee as determined in the AGREEMENT less the total of the amount of partial payments previously paid to the ENGINEER shall be due and payable to the ENGINEER.

5. To pay the ENGINEER as compensation for all services rendered in accordance with the AGREEMENT on the basis of the following compensation method as discussed in 5-5.10 of the BLR Manual.

Method of Compensation:

Percent

Lump Sum

Specific Rate

Cost plus Fixed Fee:

Fixed

Total Compensation = DL + DC + OH + FF

Where:

DL is the total Direct Labor,

DC is the total Direct Cost,

OH is the firm's overhead rate applied to their DL and

FF is the Fixed Fee.

Where FF = (0.33 + R) DL + %SubDL, where R is the advertised Complexity Factor and %SubDL is 10% profit allowed on the direct labor of the subconsultants.

The Fixed Fee cannot exceed 15% of the DL + OH.

Field Office Overhead Rates: Field rates must be used for construction engineering projects expected to exceed one year in duration or if the construction engineering contract exceeds \$1,000,000 for any project duration.

6. The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as violation of this AGREEMENT. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C 3801 et seq.).

III. IT IS MUTUALLY AGREED;

1. To maintain, for a minimum of 3 years after the completion of the contract, adequate books, records and supporting documents to verify the amount, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General, and the DEPARTMENT; the Federal Highways Administration (FHWA) or any authorized representative of the federal government, and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the DEPARTMENT for the recovery of any funds paid by the DEPARTMENT under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.
2. That the ENGINEER shall be responsible for any and all damages to property or persons arising out of an error, omission and/or negligent act in the prosecution of the ENGINEER's work and shall indemnify and save harmless the LPA, the DEPARTMENT, and their officers, agents and employees from all suits, claims, actions or damages liabilities, costs or damages of any nature whatsoever resulting there from. These indemnities shall not be limited by the listing of any insurance policy. The LPA will notify the ENGINEER of any error or omission believed by the LPA to be caused by the negligence of the ENGINEER as soon as practicable after the discovery. The LPA reserves the right to take immediate action to remedy any error or omission if notification is not successful; if the ENGINEER fails to reply to a notification; or if the conditions created by the error or omission are in need of urgent correction to avoid accumulation of additional construction costs or damages to property and reasonable notice is not practicable.
3. This AGREEMENT may be terminated by the LPA upon giving notice in writing to the ENGINEER at the ENGINEER's last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LPA all drawings, plats, surveys, reports, permits, agreements, soils and foundation analysis, provisions, specifications, partial and completed estimates and data

if any from soil survey and subsurface investigation with the understanding that all such materials becomes the property of the LPA. The LPA will be responsible for reimbursement of all eligible expenses incurred under the terms of this AGREEMENT up to the date of the written notice of termination.

4. In the event that the DEPARTMENT stops payment to the LPA, the LPA may suspend work on the project. If this agreement is suspended by the LPA for more than thirty (30) calendar days, consecutive or in aggregate, over the term of this AGREEMENT, the ENGINEER shall be compensated for all services performed and reimbursable expenses incurred prior to receipt of notice of suspension. In addition, upon the resumption of services the LPA shall compensate the ENGINEER, for expenses incurred as a result of the suspension and resumption of its services, and the ENGINEER's schedule and fees for the remainder of the project shall be equitably adjusted.
5. This AGREEMENT shall continue as an open contract and the obligations created herein shall remain in full force and effect until the completion of construction of any phase of professional services performed by others based upon the service provided herein. All obligations of the ENGINEER accepted under this AGREEMENT shall cease if construction or subsequent professional services are not commenced within 5 years after final payment by the LPA.
6. That the ENGINEER shall be responsible for any and all damages to property or persons arising out of an error, omission and/or negligent act in the prosecution of the ENGINEER's work and shall indemnify and have harmless the LPA, the DEPARTMENT, and their officers, employees from all suits, claims, actions or damages liabilities, costs or damages of any nature whatsoever resulting there from. These indemnities shall not be limited by the listing of any insurance policy.
7. The ENGINEER and LPA certify that their respective firm or agency:
 - (a) has not employed or retained for commission, percentage, brokerage, contingent fee or other considerations, any firm or person (other than a bona fide employee working solely for the LPA or the ENGINEER) to solicit or secure this AGREEMENT,
 - (b) has not agreed, as an express or implied condition for obtaining this AGREEMENT, to employ or retain the services of any firm or person in connection with carrying out the AGREEMENT or
 - (c) has not paid, or agreed to pay any firm, organization or person (other than a bona fide employee working solely for the LPA or the ENGINEER) any fee, contribution, donation or consideration of any kind for, or in connection with, procuring or carrying out the AGREEMENT.
 - (d) that neither the ENGINEER nor the LPA is/are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency,
 - (e) has not within a three-year period preceding the AGREEMENT been convicted of or had a civil judgment rendered against them for commission of fraud or criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.
 - (f) are not presently indicated for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (e) and
 - (g) has not within a three-year period preceding this AGREEMENT had one or more public transaction (Federal, State, local) terminated for cause or default.

Where the ENGINEER or LPA is unable to certify to any of the above statements in this clarification, an explanation shall be attached to this AGREEMENT.

8. In the event of delays due to unforeseeable causes beyond the control of and without fault or negligence of the ENGINEER no claim for damages shall be made by either party. Termination of the AGREEMENT or adjustment of the fee for the remaining services may be requested by either party if the overall delay from the unforeseen causes prevents completion of the work within six months after the specified completion date. Examples of unforeseen causes included but are not limited to: acts of God or a public enemy; acts of the LPA, DEPARTMENT < or other approving party not resulting from the ENGINEER's unacceptable services; fire; strikes; and floods.

If delays occur due to any cause preventing compliance with the PROJECT SCHEDULE, the ENGINEER shall apply in writing to the LPA for an extension of time. If approved, the PROJECT SCHEDULE shall be revised accordingly.

9. This certification is required by the Drug Free Workplace Act (30 ILCS 580). The Drug Free Workplace Act requires that no grantee or contractor shall receive a grant or be considered for the purpose of being awarded a contract for the procurement of any property or service from the DEPARTMENT unless that grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to suspension of contract or grant payments, termination of a contract or grant and debarment of the contracting or grant opportunities with the DEPARTMENT for at least one (1) year but not more than (5) years.

For the purpose of this certification, "grantee" or "Contractor" means a corporation, partnership or an entity with twenty-five (25) or more employees at the time of issuing the grant or a department, division or other unit thereof, directly responsible for the specific performance under contract or grant of \$5,000 or more from the DEPARTMENT, as defined the Act.

The contractor/grantee certifies and agrees that it will provide a drug free workplace by:

(a) Publishing a statement:

- (1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the grantee's or contractor's workplace.
- (2) Specifying the actions that will be taken against employees for violations of such prohibition.
- (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
 - (a) abide by the terms of the statement; and
 - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

- (b) Establishing a drug free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's or contractor's policy to maintain a drug free workplace;
 - (3) Any available drug counseling, rehabilitation and employee assistance program; and
 - (4) The penalties that may be imposed upon an employee for drug violations.
- (c) Providing a copy of the statement required by subparagraph (a) to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
- (d) Notifying the contracting or granting agency within ten (10) days after receiving notice under part (b) paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.
- (e) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program.
- (f) Assisting employees in selecting a course of action in the event drug counseling, treatment and rehabilitation is required and indicating that a trained referral team is in place.

Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act, the ENGINEER, LPA and the DEPARTMENT agree to meet the PROJECT SCHEDULE outlined in EXHIBIT B. Time is of the essence on this project and the ENGINEER's ability to meet the PROJECT SCHEDULE will be a factor in the LPA selecting the ENGINEER for future projects. The ENGINEER will submit progress reports with each invoice showing work that was completed during the last reporting period and work they expect to accomplish during the following period.

- 10. Due to the physical location of the project, certain work classifications may be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq).
- 11. For Construction Engineering Contracts:
 - (a) That all services are to be furnished as required by construction progress and as determined by the LPA employee in Responsible Charge. The ENGINEER shall complete all services herein within a time considered reasonable to the LPA, after the CONTRACTOR has completed the construction contract.
 - (b) That all field notes, test records and reports shall be turned over to and become the property of the LPA and that during the performance of the engineering services herein provided for, the ENGINEER shall be responsible for any loss or damage to the documents herein enumerated while they are in the ENGINEER's possession and any such loss or damage shall be restored at the ENGINEER's expense.
 - (c) That any difference between the ENGINEER and the LPA concerning the interpretation of the provisions of this AGREEMENT shall be referred to a committee of disinterested parties consisting of one member appointed by the ENGINEER, one member appointed by the LPA, and a third member appointed by the two other members for disposition and that the committee's decision shall be final.
 - (d) That in the event that engineering and inspection services to be furnished and performed by the LPA (including personnel furnished by the ENGINEER) shall, in the opinion of the STATE be incompetent employed on such work at the expense of the LPA.
 - (e) Inspection of all materials when inspection is not provided at the sources by the STATE Central Bureau of Materials, and submit inspection reports to the LPA and STATE in accordance with the STATE Central Bureau of Materials "Project Procedures Guide" and the policies of the STATE.

AGREEMENT SUMMARY

Prime Consultant (Firm) Name	TIN/FEIN/SS Number	Agreement Amount
Willett, Hofmann & Associates	36-2600957	\$113,418.00
Subconsultants	TIN/FEIN/SS Number	Agreement Amount
Subconsultant Total		
Prime Consultant Total		\$113,418.00
Total for all work		\$113,418.00

STATE OF ILLINOIS
WINNEBAGO COUNTY WATER DISTRICT
WATER SYSTEM IMPROVEMENTS
SECTION NO.: 22-00714-00-MS

**BAXTER ROAD WATERMAIN EXTENSION
LOCATION MAP**

22-00741-00-MS PROJECT BEGINS
STA 101+18

22-00741-00-MS PROJECT ENDS
STA 104+78



NEW MILFORD PROJECT BEGINS
STA 100+40

COUNTY PROJECT ENDS
STA 41+87

NEW MILFORD PROJECT ENDS &
COUNTY PROJECT BEGINS
STA 117+00 / STA 10+00



BAXTER ROAD: 4,500 FT = 0.85 MILES

ADT: 3,550 (2022) 5% TRUCKS
FUNCTIONAL CLASSIFICATION: MAJOR COLLECT
DESIGN SPEED: 55 MPH
DESIGN POLICY: 3R



AGREEMENT SIGNATURES

Executed by the LPA:

Local Public Agency Type

Local Public Agency

Attest:

The

County

of

Winnebago County Highway Department

By (Signature & Date)

Choi Sumnaw 04/17/2024

By (Signature & Date)

Joseph V. Chell - 4/16/2024

Local Public Agency

Local Public Agency Type

Winnebago County Highway

County

Clerk

Title

WINNEBAGO COUNTY CHAIRMAN

(SEAL)

Executed by the ENGINEER:

Prime Consultant (Firm) Name

Attest:

Willett, Hofmann & Associates

By (Signature & Date)

Francis Willett 4/22/24

Title

Secretary



By (Signature & Date)

Brian K. Conner

Title

President & General Manager

APPROVED:

Regional Engineer, Department of Transportation (Signature & Date)

[Empty signature box]

Local Public Agency	Prime Consultant (Firm) Name	County	Section Number
Winnebago County Highway Dept	Willett, Hofmann & Associates	Winnebago	N/A

**EXHIBIT A
SCOPE OF SERVICES**

To perform or be responsible for the performance of the engineering services for the LPA, in connection with the PROJECT herein before described and enumerated below

<p>Project Management: Conduct pre-construction meeting, shop drawing review, pay request preparation, project closeout. Construction Observation: 745 hours.</p>

Local Public Agency	Prime Consultant (Firm) Name	County	Section Number
Winnebago County Highway Dept	Willett, Hofmann & Associates	Winnebago	N/A

**EXHIBIT B
PROJECT SCHEDULE**

Start Date: 4/11/2024 End Date: 10/10/2024

Local Public Agency	Prime Consultant (Firm) Name	County	Section Number
Winnebago County Highway Dept	Willett, Hofmann & Associates	Winnebago	N/A

Exhibit C

Qualification Based Selection (QBS) Checklist

The LPA must complete Exhibit D. If the value meets or will exceed the threshold in 50 ILCS 510, QBS requirements must be followed. Under the threshold, QBS requirements do not apply. The threshold is adjusted annually. If the value is under the threshold with federal funds being used, federal small purchase guidelines must be followed.

Form Not Applicable (engineering services less than the threshold)



EXHIBIT D1
COST ESTIMATE OF CONSULTANT SERVICES (CECS) WORKSHEET
FIXED RAISE

Local Public Agency Winnebago County Highway Department	County Winnebago	Section Number N/A
Prime Consultant (Firm) Name Willlett, Hofmann & Associates	Prepared By Matt. Hansen, PE	Date 3/20/2024
Consultant / Subconsultant Name Willlett, Hofmann & Associates, Inc.	Job Number N/A	

Note: This is name of the consultant the CECS is being completed for. This name appears at the top of each tab.

Remarks

PAYROLL ESCALATION TABLE

CONTRACT TERM	6	MONTHS	OVERHEAD RATE	167.22%
START DATE	4/11/2024		COMPLEXITY FACTOR	0
RAISE DATE	4/1/2025		% OF RAISE	2.00%
END DATE	10/10/2024			

ESCALATION PER YEAR

Year	First Date	Last Date	Months	Contract	% of
0	4/11/2024	10/10/2024	6	100.00%	

The total escalation = 0.00%

Local Public Agency	County	Section Number
Winnebago County Highway Department	Winnebago	N/A
Consultant / Subconsultant Name		Job Number
Willett, Hofmann & Associates, Inc.		N/A

PAYROLL RATES

EXHIBIT D COST ESTIMATE OF CONSULTANT SERVICES (CECS) WORKSHEET FIXED RAISE

MAXIMUM PAYROLL RATE	86.00
ESCALATION FACTOR	0.00%

CLASSIFICATION	IDOT PAYROLL RATES ON FILE	CALCULATED RATE
President & General Manager	\$89.30	\$86.00
Principal Engineering Manager	\$67.09	\$67.09
Engineering Manager	\$65.24	\$65.24
Civil Engineer IV	\$49.60	\$49.60
Civil Engineer III	\$44.89	\$44.89
Civil Engineering Intern II	\$39.77	\$39.77
Civil Engineering Intern I	\$35.14	\$35.14
Engineering Intern	\$24.37	\$24.37
Principal Architectural Manager	\$59.93	\$59.93
Architect Manager	\$58.58	\$58.58
Architect IV	\$53.85	\$53.85
Architect III	\$49.09	\$49.09
Architectural Intern II	\$43.17	\$43.17
Architectural Intern I	\$28.85	\$28.85
Architectural Intern	\$23.00	\$23.00
Principal PLS Manager	\$59.05	\$59.05
PLS Manager	\$51.90	\$51.90
PLS IV	\$45.00	\$45.00
PLS III	\$35.62	\$35.62
Technician IV	\$37.88	\$37.88
Technician III	\$29.60	\$29.60
Technician II	\$27.65	\$27.65
Technician I	\$26.30	\$26.30
Survey Worker Foreman	\$31.52	\$31.52
Survey Worker	\$22.15	\$22.15
Survey Worker Intern	\$22.00	\$22.00
Administrative Assistant	\$22.64	\$22.64

Local Public Agency	County	Section Number
Winnebago County Highway Department	Winnebago	N/A
Consultant / Subconsultant Name		Job Number
Willett, Hofmann & Associates, Inc.		N/A

SUBCONSULTANTS
EXHIBIT D COST ESTIMATE OF CONSULTANT SERVICES (CECS) WORKSHEET

NAME	Direct Labor Total	Contribution to Prime Consultant
Total	0.00	0.00

NOTE: Only subconsultants who fill out a cost estimate that splits out direct labor may be listed on this sheet.

Local Public Agency
 Winnebago County Highway Department
Consultant / Subconsultant Name
 Willett, Hofmann & Associates, Inc.

County
 Winnebago

Section Number
 N/A
Job Number
 N/A

DIRECT COSTS WORKSHEET

List ALL direct costs required for this project. Those not listed on the form will not be eligible for reimbursement by the LPA on this project.
 EXHIBIT D COST ESTIMATE OF CONSULTANT SERVICES (CECS) WORKSHEET

ITEM	ALLOWABLE	QUANTITY	CONTRACT RATE	TOTAL
Lodging (per GOVERNOR'S TRAVEL CONTROL BOARD)	Actual Cost (Up to state rate maximum)			\$0.00
Lodging Taxes and Fees (per GOVERNOR'S TRAVEL CONTROL BOARD)	Actual Cost			\$0.00
Air Fare	Coach rate, actual cost, requires minimum two weeks' notice, with prior IDOT approval			\$0.00
Vehicle Mileage (per GOVERNOR'S TRAVEL CONTROL BOARD)	Up to state rate maximum			\$0.00
Vehicle Owned or Leased	\$32.50/half day (4 hours or less) or \$65/full day			\$0.00
Vehicle Rental	Actual Cost (Up to \$55/day)			\$0.00
Tolls	Actual Cost			\$0.00
Parking	Actual Cost			\$0.00
Overtime	Premium portion (Submit supporting documentation)			\$0.00
Shift Differential	Actual Cost (Based on firm's policy)			\$0.00
Overnight Delivery/Postage/Courier Service	Actual Cost (Submit supporting documentation)			\$0.00
Copies of Deliverables/MyIars (In-house)	Actual Cost (Submit supporting documentation)			\$0.00
Copies of Deliverables/MyIars (Outside)	Actual Cost (Submit supporting documentation)			\$0.00
Project Specific Insurance	Actual Cost			\$0.00
Monuments (Permanent)	Actual Cost			\$0.00
Photo Processing	Actual Cost			\$0.00
2-Way Radio (Survey or Phase III Only)	Actual Cost			\$0.00
Telephone Usage (Traffic System Monitoring Only)	Actual Cost			\$0.00
CADD	Actual Cost (Max \$15/hour)			\$0.00
Web Site	Actual Cost (Submit supporting documentation)			\$0.00
Advertisements	Actual Cost (Submit supporting documentation)			\$0.00
Public Meeting Facility Rental	Actual Cost (Submit supporting documentation)			\$0.00
Public Meeting Exhibits/Renderings & Equipment	Actual Cost (Submit supporting documentation)			\$0.00
Recording Fees	Actual Cost			\$0.00
Transcriptions (specific to project)	Actual Cost			\$0.00
Courthouse Fees	Actual Cost			\$0.00
Storm Sewer Cleaning and Televsioning	Actual Cost (Requires 2-3 quotes with IDOT approval)			\$0.00
Traffic Control and Protection	Actual Cost (Requires 2-3 quotes with IDOT approval)			\$0.00
Aerial Photography and Mapping	Actual Cost (Requires 2-3 quotes with IDOT approval)			\$0.00
Utility Exploratory Trenching	Actual Cost (Requires 2-3 quotes with IDOT approval)			\$0.00
Testing of Soil Samples	Actual Cost			\$0.00
Lab Services	Actual Cost (Provide breakdown of each cost)			\$0.00
Equipment and/or Specialized Equipment Rental	Actual Cost (Requires 2-3 quotes with IDOT approval)			\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
TOTAL DIRECT COSTS:				\$0.00

Local Public Agency

Winnebago County Highway Department

County

Winnebago

Section Number

N/A

Consultant / Subconsultant Name

Willett, Hofmann & Associates, Inc.

Job Number

N/A

COST ESTIMATE WORKSHEET

EXHIBIT D COST ESTIMATE OF CONSULTANT SERVICES (CECS) WORKSHEET

OVERHEAD RATE COMPLEXITY FACTOR

TASK	DIRECT COSTS (not included in row totals)	STAFF HOURS	PAYROLL	OVERHEAD & FRINGE BENEFITS	FIXED FEE	SERVICES BY OTHERS	TOTAL	% OF GRAND TOTAL
Project Management		128	6,769	11,318	2,234		20,321	24.19%
Construction Observation		560	21,213	35,472	7,000		63,685	75.81%
Subconsultant DL								
Direct Costs Total	\$0.00							
TOTALS		688	27,982	46,790	9,234		84,006	100.00%

Local Public Agency
 Winnebago County Highway Department
County
 Winnebago
Section Number
 N/A
Consultant / Subconsultant Name
 Willitt, Hofmann & Associates, Inc.
Job Number
 N/A

**AVERAGE HOURLY PROJECT RATES
 EXHIBIT D COST ESTIMATE OF CONSULTANT SERVICES (CECS) WORKSHEET**

SHEET 1 OF 1

PAYROLL CLASSIFICATION	AVG HOURLY RATES	TOTAL PROJ. RATES			Project Management			Construction Observation									
		Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg				
President & General Manager	86.00	0.0															
Principal Engineering Manager	67.09	24.0	3.49%	2.34	24	18.75%	12.58										
Engineering Manager	65.24	0.0															
Civil Engineer IV	49.60	104.0	15.12%	7.50	104	81.25%	40.30										
Civil Engineer III	44.89	0.0															
Civil Engineering Intern II	39.77	0.0															
Civil Engineering Intern I	35.14	0.0															
Engineering Intern	24.37	0.0															
Principal Architectural Manager	59.93	0.0															
Architect Manager	58.58	0.0															
Architect IV	53.85	0.0															
Architect III	49.09	0.0															
Architectural Intern II	43.17	0.0															
Architectural Intern I	28.85	0.0															
Architectural Intern	23.00	0.0															
Principal PLS Manager	59.05	0.0															
PLS Manager	51.90	0.0															
PLS IV	45.00	0.0															
PLS III	35.62	0.0															
Technician IV	37.88	560.0	81.40%	30.83				560	100.00%	37.88							
Technician III	29.60	0.0															
Technician II	27.65	0.0															
Technician I	26.30	0.0															
Survey Worker Foreman	31.52	0.0															
Survey Worker	22.15	0.0															
Survey Worker Intern	22.00	0.0															
Administrative Assistant	22.64	0.0															
TOTALS		688.0	100%	\$40.67	128.0	100.00%	\$52.88	560.0	100%	\$37.88	0.0	0%	\$0.00	0.0	0%	\$0.00	0%



Local Public Agency Winnebago County Highway Department **County** Winnebago **Section Number** N/A

Prime Consultant (Firm) Name Willett, Hofmann & Associates **Prepared By** Matt. Hansen, PE **Date** 3/20/2024

Consultant / Subconsultant Name Willett, Hofmann & Associates, Inc. **Job Number** N/A

Note: This is name of the consultant the CECS is being completed for. This name appears at the top of each tab.

Remarks

PAYROLL ESCALATION TABLE

CONTRACT TERM	6	MONTHS	OVERHEAD RATE	167.22%
START DATE	4/11/2024		COMPLEXITY FACTOR	0
RAISE DATE	4/1/2025		% OF RAISE	2.00%
END DATE	10/10/2024			

ESCALATION PER YEAR

Year	First Date	Last Date	Months	% of Contract
0	4/11/2024	10/10/2024	6	100.00%

The total escalation = 0.00%

Local Public Agency	County	Section Number
Winnebago County Highway Department	Winnebago	N/A
Consultant / Subconsultant Name	Job Number	
Willett, Hofmann & Associates, Inc.	N/A	

PAYROLL RATES

EXHIBIT D COST ESTIMATE OF CONSULTANT SERVICES (CECS) WORKSHEET FIXED RAISE

MAXIMUM PAYROLL RATE	86.00
ESCALATION FACTOR	0.00%

CLASSIFICATION	IDOT PAYROLL RATES ON FILE	CALCULATED RATE
President & General Manager	\$89.30	\$86.00
Principal Engineering Manager	\$67.09	\$67.09
Engineering Manager	\$65.24	\$65.24
Civil Engineer IV	\$49.60	\$49.60
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Civil Engineering Intern II	\$39.77	\$39.77
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Architectural Intern I	\$28.85	\$28.85
Architectural Intern	\$23.00	\$23.00
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PLS III	\$35.62	\$35.62
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Survey Worker	\$22.15	\$22.15
Survey Worker Intern	\$22.00	\$22.00
Administrative Assistant	\$22.64	\$22.64

Local Public Agency
 Winnebago County Highway Department
Consultant / Subconsultant Name
 Willett, Hofmann & Associates, Inc.

County
 Winnebago

Section Number
 N/A
Job Number
 N/A

DIRECT COSTS WORKSHEET

List ALL direct costs required for this project. Those not listed on the form will not be eligible for reimbursement by the LPA on this project.
 EXHIBIT D COST ESTIMATE OF CONSULTANT SERVICES (CECS) WORKSHEET

ITEM	ALLOWABLE	QUANTITY	CONTRACT RATE	TOTAL
Lodging (per GOVERNOR'S TRAVEL CONTROL BOARD)	Actual Cost (Up to state rate maximum)			\$0.00
Lodging Taxes and Fees (per GOVERNOR'S TRAVEL CONTROL BOARD)	Actual Cost			\$0.00
Air Fare	Coach rate, actual cost, requires minimum two weeks' notice, with prior IDOT approval			\$0.00
Vehicle Mileage (per GOVERNOR'S TRAVEL CONTROL BOARD)	Up to state rate maximum			\$0.00
Vehicle Owned or Leased	\$32.50/half day (4 hours or less) or \$65/full day			\$0.00
Vehicle Rental	Actual Cost (Up to \$55/day)			\$0.00
Tolls	Actual Cost			\$0.00
Parking	Actual Cost			\$0.00
Overtime	Premium portion (Submit supporting documentation)			\$0.00
Shift Differential	Actual Cost (Based on firm's policy)			\$0.00
Overnight Delivery/Postage/Courier Service	Actual Cost (Submit supporting documentation)			\$0.00
Copies of Deliverables/MyIars (In-house)	Actual Cost (Submit supporting documentation)			\$0.00
Copies of Deliverables/MyIars (Outside)	Actual Cost (Submit supporting documentation)			\$0.00
Project Specific Insurance	Actual Cost			\$0.00
Monuments (Permanent)	Actual Cost			\$0.00
Photo Processing	Actual Cost			\$0.00
2-Way Radio (Survey or Phase III Only)	Actual Cost			\$0.00
Telephone Usage (Traffic System Monitoring Only)	Actual Cost			\$0.00
CADD	Actual Cost (Max \$15/hour)			\$0.00
Web Site	Actual Cost (Submit supporting documentation)			\$0.00
Advertisements	Actual Cost (Submit supporting documentation)			\$0.00
Public Meeting Facility Rental	Actual Cost (Submit supporting documentation)			\$0.00
Public Meeting Exhibits/Renderings & Equipment	Actual Cost (Submit supporting documentation)			\$0.00
Recording Fees	Actual Cost			\$0.00
Transcriptions (specific to project)	Actual Cost			\$0.00
Courthouse Fees	Actual Cost			\$0.00
Storm Sewer Cleaning and Televsng	Actual Cost (Requires 2-3 quotes with IDOT approval)			\$0.00
Traffic Control and Protection	Actual Cost (Requires 2-3 quotes with IDOT approval)			\$0.00
Aerial Photography and Mapping	Actual Cost (Requires 2-3 quotes with IDOT approval)			\$0.00
Utility Exploratory Trenching	Actual Cost (Requires 2-3 quotes with IDOT approval)			\$0.00
Testing of Soil Samples	Actual Cost			\$0.00
Lab Services	Actual Cost (Provide breakdown of each cost)			\$0.00
Equipment and/or Specialized Equipment Rental	Actual Cost (Requires 2-3 quotes with IDOT approval)			\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
TOTAL DIRECT COSTS:				\$0.00

Local Public Agency
 Winnebago County Highway Department
Consultant / Subconsultant Name
 Willett, Hofmann & Associates, Inc.

County
 Winnebago

Section Number
 N/A
Job Number
 N/A

COST ESTIMATE WORKSHEET
 EXHIBIT D COST ESTIMATE OF CONSULTANT SERVICES (CECS) WORKSHEET

OVERHEAD RATE **COMPLEXITY FACTOR**

TASK	DIRECT COSTS (not included in row totals)	STAFF HOURS	PAYROLL	OVERHEAD & FRINGE BENEFITS	FIXED FEE	SERVICES BY OTHERS	TOTAL	% OF GRAND TOTAL
Project Management	52	2,789	4,664	920	8,373	28.47%		
Construction Observation	185	7,008	11,718	2,313	21,039	71.53%		
Subconsultant DL							\$0.00	
Direct Costs Total	\$0.00	237	9,797	16,382	3,233	-	29,412	100.00%
TOTALS								

26,179
 BLR 05514 (Rev. 02/09/23)
 COST EST

Local Public Agency

Winnebago County Highway Department

County

Winnebago

Section Number

N/A

Consultant / Subconsultant Name

Willlett, Hofmann & Associates, Inc.

Job Number

N/A

AVERAGE HOURLY PROJECT RATES
EXHIBIT D COST ESTIMATE OF CONSULTANT SERVICES (CECS) WORKSHEET

SHEET 1 OF 1

PAYROLL CLASSIFICATION	AVG HOURLY RATES	TOTAL PROJ. RATES			Project Management			Construction Observation									
		Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg				
President & General Manager	86.00	0.0															
Principal Engineering Manager	67.09	12.0	5.06%	3.40	12	23.08%	15.48										
Engineering Manager	65.24	0.0															
Civil Engineer IV	49.60	40.0	16.88%	8.37	40	76.92%	38.15										
Civil Engineer III	44.89	0.0															
Civil Engineering Intern II	39.77	0.0															
Civil Engineering Intern I	35.14	0.0															
Engineering Intern	24.37	0.0															
Principal Architectural Manager	59.93	0.0															
Architect Manager	58.58	0.0															
Architect IV	53.85	0.0															
Architect III	49.09	0.0															
Architectural Intern II	43.17	0.0															
Architectural Intern I	28.85	0.0															
Architectural Intern	23.00	0.0															
Principal PLS Manager	59.05	0.0															
PLS Manager	51.90	0.0															
PLS IV	45.00	0.0															
PLS III	35.62	0.0															
Technician IV	37.88	185.0	78.06%	29.57				185	100.00%	37.88							
Technician III	29.60	0.0															
Technician II	27.65	0.0															
Technician I	26.30	0.0															
Survey Worker Foreman	31.52	0.0															
Survey Worker	22.15	0.0															
Survey Worker Intern	22.00	0.0															
Administrative Assistant	22.64	0.0															
TOTALS		237.0	100%	\$41.34	52.0	100.00%	\$53.64	185.0	100%	\$37.88	0.0	0%	\$0.00	0.0	0%	\$0.00	0.0

(12)

COMMITTEE: Economic Development

SUBJECT: Res. Auth Construct. Agree. Ext. of Waterman

I 90

	AYES	NAYES	PRESENT	ABSENT	ABSTAINED
1. ARENA, PAUL M.	✓				
2. BOOKER, AARON	✓				
3. BUTITTA, JOHN	-			✓	
4. CROSBY, JEAN	✓				
5. FELLARS, ANGELA	✓				
6. GORAL, ANGIE	✓				
7. GUEVARA, JOHN M.	✓				
8. HANSERD, VALERIE	✓				
9. HOFFMAN, JOE C.	-			✓	
10. LINDMARK, BRAD	✓				
11. MCCARTHY, KEVIN	✓				
12. MCDONALD, KEITH	✓				
13. NABORS, TIMOTHY	✓				
14. PENNEY, JOHN	-			✓	
15. SALGADO, JAIME J.	✓				
16. SCROL, CHRISTOPHER	-			✓	
17. SWEENEY, JOHN F.	✓				
18. TASSONI, DAVE	✓				
19. THOMPSON, MICHAEL J.	✓				
20. WEBSTER, JIM	✓				
TOTALS Unanimous vote	16			4	

**OPERATIONS &
ADMINISTRATIVE
COMMITTEE**



Resolution Executive Summary

For ARPA or CIP Projects

Prepared By: Purchasing Department for Sheriff's Office
Committee Name: Operations and Administrative Committee
Committee Date: June 6, 2024
Board Date: June 13, 2024
Resolution Title: Resolution Awarding Purchase of Detective Squad Vehicle for Sheriff's Office Using CIP 24 Funds

Budget Information

Budgeted? YES	Amount Budgeted? \$100,000
If not, originally budgeted, explain the funding source?	
If ARPA or CIP funded, original Board approved amount?	\$100,000
Over or Under approved amount? UNDER	By: \$4,692
Reason for ARPA or CIP increase? N/A	
If ARPA funded, was it approved by Baker Tilly? N/A	
ORG/OBJ/Project Codes: 82200-46410-C2405 Descriptor: CIP 24-Automobile	
Budget Impact? \$49,153	

Background Information: The Winnebago County Sheriff's Office (WCSO) requested the purchase of (2) Detective Squad Vehicle using CIP 24 funds. The vehicle purchase is for a 2024 Ford Explorer. This is the second purchase to complete this request for a project total of \$95,307.

The Purchasing Department and the Sheriff's Office reached out for quotes and availability. Rock River Ford presented the best offer in the amount of \$43,180, out of three quotes obtained (see Resolution Exhibit A).

Bandt Communications Inc. will provide the specialized fabricating of this vehicle in the amount of \$5,973 (See Resolution Exhibit B).

Recommended By: Sheriff Gary Caruana and Deputy Chief Kyle Boomer

Follow-Up Steps: Purchasing Department will prepare and submit Purchase Orders to Rock River Ford in the amount of \$43,180 and Bandt Communications, Inc. in the amount of \$5,973.

RESOLUTION
of the
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS

Sponsored by: Keith McDonald

Submitted by: Operations and Administrative Committee

2024 CR

**RESOLUTION AWARDING PURCHASE OF DETECTIVE SQUAD VEHICLE
FOR SHERIFF'S OFFICE USING CIP 24 FUNDS**

WHEREAS, the Code of Ordinances for the County of Winnebago, Illinois, provides as in Section 2-357 (b) (1), Conditions for use. All procurements whose value equals or exceeds the competitive bidding threshold of \$30,000 shall be awarded by competitive sealed bidding in accordance with this section except as otherwise provided in 2-357(c) (Request for Proposals), 2-357(d) (Professional Services), 2-357(e) (Sole-Source), 2-357(f) (Emergency Procurements), 2-357(g) (Cooperative Joint Purchasing) or as provided by State statute; and

WHEREAS, the Winnebago County Sheriff's Office requested the purchase of a Detective Squad, Ford Explorer, using CIP 24 funds; and

WHEREAS, the Purchasing Department and the Sheriff's Office obtained quotes for price and delivery, resulting in the lowest price and best lead time from Rock River Ford; and

WHEREAS, the Operations & Administrative Committee of the County Board for the County of Winnebago, Illinois has reviewed the quotes for the Detective Squad Vehicle and Vehicle Fabricating, (Resolution Exhibit A and B) and recommends awarding the purchases to Rock River Ford and Bandt Communications Inc., respectively.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of the County of Winnebago, Illinois, that the Director of Purchasing is authorized to issue Purchase Orders, on behalf of Winnebago County to Anderson Dealerships, Inc., DBA Rock River Ford, 224 North Alpine Road, Rockford, Illinois in the amount of \$43,180 and Bandt Communications, Inc. 1621 Gale Drive, Beloit, Wisconsin in the amount of \$5,973.

BE IT FURTHER RESOLVED, that this Resolution shall be in full force and effective immediately upon its adoption and the Clerk of the County Board is hereby authorized to prepare and deliver certified copies of this Resolution to the Director of Purchasing, Finance Director, County Administrator, County Sheriff, County Board Office and County Auditor.

Respectfully Submitted,
OPERATIONS AND ADMINISTRATIVE COMMITTEE

AGREE

DISAGREE

KEITH McDONALD, CHAIR

KEITH McDONALD, CHAIR

VALERIE HANSERD, VICE CHAIR

VALERIE HANSERD, VICE CHAIR

PAUL ARENA

PAUL ARENA

JOHN BUTITTA

JOHN BUTITTA

JOE HOFFMAN

JOE HOFFMAN

JAIME SALGADO

JAIME SALGADO

MICHAEL THOMPSON

MICHAEL THOMPSON

The above and foregoing Resolution was adopted by the County Board of the County of

Winnebago, Illinois this ____ day of _____ 2024.

ATTESTED BY:

JOSEPH CHIARELLI
CHAIR OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

LORI GUMMOW
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

QUOTE TAB
24NB-2332
DETECTIVE SQUAD VEHICLE USING CIP 2024 FUNDS

	Rock River Ford	Brad Manning Ford	Morrow Brother's Ford
Explorer XLT 4X4	\$ 43,180.03	\$ 43,895.00	\$ 43,525.00
Outfitting	\$ 5,972.89	\$ 5,972.89	\$ 5,972.89
Total:	\$ 49,152.92	\$ 49,867.89	\$ 49,497.89



Bandt Communications,
 Inc.
 1621 Gale Dr.
 Beloit, WI 53511

sales@bandtcom.com
 www.bandtcom.com
 Fax: 608-757-1783

QUOTE No. 211584

Order No.
 Valid for 30 days

Winnebago County Sheriff's Office

650 West State Street
 Rockford, IL, 61102

Site: 650 West State Street
 Rockford

Site Contact: Shawn Hughes

Salesperson: Bob Penniman

Date: 05/06/2024

Install lights siren radio in Detective car into Non-Police package Explorer

Item	Quantity	Unit Price	Total
Fusion 40?/ 180?: Blue	1.00	\$59.00	\$59.00
Fusion 40?/ 180?: Red	1.00	\$59.00	\$59.00
QUAD QSM Surface Mount	2.00	\$117.81	\$235.62
T3: Blue	1.00	\$34.99	\$34.99
T3: Red	1.00	\$34.99	\$34.99
FUSION-S 2X DASH	1.00	\$149.00	\$149.00
Triton 100W Speaker	1.00	\$119.00	\$119.00
3/4" Hole NMO Style Brass Mount with 17' RG58A/U stranded center , No Connector	1.00	\$28.00	\$28.00
Titanium Grey 740-870Mhz Antenna	1.00	\$12.50	\$12.50
Feniex Fusion Quad L Bracket	4.00	\$4.20	\$16.80
RF INDUSTRIES N male connector for RG58/U, RG58A/U, RG141, RG58 Ultralink. cable.	1.00	\$12.50	\$12.50
Flasher	1.00	\$53.40	\$53.40
Typhoon Handheld 100W Siren	1.00	\$300.00	\$300.00
Cannon? 120?: Blue	1.00	\$65.55	\$65.55
Cannon? 120?: Red	1.00	\$65.55	\$65.55
Cannon Bezel with mounting hardware	2.00	\$9.00	\$18.00
Solenoid L-Series - 150A 12/24V	1.00	\$181.99	\$181.99
Blue Sea 285 Series Circuit Breaker	1.00	\$55.00	\$55.00
Headliner Speaker	1.00	\$92.00	\$92.00
Misc. Installation Supplies	1.00	\$100.00	\$100.00



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QUOTE No. 211584

Order No.
 Valid for 30 days

Lund Industries LOFT-GV Gun Vault Compartment, secured weapon storage, designed for AR-15/M-4 Rifles, fits 2020-2024 Ford Interceptor Utility	1.00	\$865.00	\$865.00
LOFT Non-Partition Mounting Kit for installing any LOFT into a 2020+ Ford Police Interceptor Utility without a rear cargo partition	1.00	\$215.00	\$215.00
Standard Labor	28.00 hrs	\$100.00	\$2800.00
Standard Labor	4.00 hrs	\$100.00	\$400.00
Sub-Total ex Tax			\$5972.89
Tax			\$0.00
Total inc Tax			\$5972.89

Please contact us if you have any queries regarding this quote.

Bob Penniman



Resolution Executive Summary

For ARPA or CIP Projects

Prepared By: Purchasing Department for Sheriff's Office
Committee Name: Operations and Administrative Committee
Committee Date: June 6, 2024
Board Date: June 13, 2024
Resolution Title: Resolution Awarding Purchase of Crime Scene Vehicle for Sheriff's Office Using CIP 24 Funds

Budget Information

Budgeted? YES	Amount Budgeted? \$55,000
If not, originally budgeted, explain the funding source?	
If ARPA or CIP funded, original Board approved amount? \$55,000	
Over or Under approved amount? UNDER By: \$5,702	
Reason for ARPA or CIP increase? N/A	
If ARPA funded, was it approved by Baker Tilly? N/A	
ORG/OBJ/Project Codes: 82200-46410-C2416 Descriptor: CIP 24-Automobile	
Budget Impact? \$49,298	

Background Information: The Winnebago County Sheriff's Office (WCSO) requested the purchase of (1) Crime Scene Vehicle using CIP 24 funds. The vehicle purchase is for a 2024 Ford Explorer.

The Purchasing Department and the Sheriff's Office reached out for quotes and availability. Rock River Ford presented the best offer in the amount of \$43,325, out of three quotes obtained (see Resolution Exhibit A).

Bandt Communications Inc. will provide the specialized fabricating of this vehicle in the amount of \$5,973 (See Resolution Exhibit B).

Recommended By: Sheriff Gary Caruana and Deputy Chief Kyle Boomer

Follow-Up Steps: Purchasing Department will prepare and submit Purchase Orders to Rock River Ford in the amount of \$43,325 and Bandt Communications, Inc. in the amount of \$5,973.

RESOLUTION
of the
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS

Sponsored by: Keith McDonald

Submitted by: Operations and Administrative Committee

2024 CR

RESOLUTION AWARDING PURCHASE OF CRIME SCENE VEHICLE
FOR SHERIFF'S OFFICE USING CIP 24 FUNDS

WHEREAS, the Code of Ordinances for the County of Winnebago, Illinois, provides as in Section 2-357 (b) (1), Conditions for use. All procurements whose value equals or exceeds the competitive bidding threshold of \$30,000 shall be awarded by competitive sealed bidding in accordance with this section except as otherwise provided in 2-357(c) (Request for Proposals), 2-357(d) (Professional Services), 2-357(e) (Sole-Source), 2-357(f) (Emergency Procurements), 2-357 (g) (Cooperative Joint Purchasing) or as provided by State statute; and

WHEREAS, the Winnebago County Sheriff's Office requested the purchase of a Detective Squad, Ford Explorer, using CIP 24 funds; and

WHEREAS, the Purchasing Department and the Sheriff's Office obtained quotes for price and delivery, resulting in the lowest price and best lead time from Rock River Ford; and

WHEREAS, the Operations & Administrative Committee of the County Board for the County of Winnebago, Illinois has reviewed the quotes for the Detective Squad Vehicle and Vehicle Fabricating, (Resolution Exhibit A and B) and recommends awarding the purchases to Rock River Ford and Bandt Communications Inc., respectively.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of the County of Winnebago, Illinois, that the Director of Purchasing is authorized to issue Purchase Orders, on behalf of Winnebago County to Anderson Dealerships, Inc., DBA Rock River Ford, 224 North Alpine Road, Rockford, Illinois in the amount of \$43,325 and Bandt Communications, Inc. 1621 Gale Drive, Beloit, Wisconsin in the amount of \$5,973.

BE IT FURTHER RESOLVED, that this Resolution shall be in full force and effective immediately upon its adoption and the Clerk of the County Board is hereby authorized to prepare and deliver certified copies of this Resolution to the Director of Purchasing, Finance Director, County Administrator, County Sheriff, County Board Office and County Auditor.

Respectfully Submitted,
OPERATIONS AND ADMINISTRATIVE COMMITTEE

AGREE

DISAGREE

KEITH McDONALD, CHAIR

KEITH McDONALD, CHAIR

VALERIE HANSERD, VICE CHAIR

VALERIE HANSERD, VICE CHAIR

PAUL ARENA

PAUL ARENA

JOHN BUTITTA

JOHN BUTITTA

JOE HOFFMAN

JOE HOFFMAN

JAIME SALGADO

JAIME SALGADO

MICHAEL THOMPSON

MICHAEL THOMPSON

The above and foregoing Resolution was adopted by the County Board of the County of

Winnebago, Illinois this ____ day of _____ 2024.

ATTESTED BY:

JOSEPH CHIARELLI
CHAIR OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

LORI GUMMOW
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

QUOTE TAB
24NB-2351
CRIME SCENE VEHICLE USING CIP 2024 FUNDS

	Rock River Ford	Brad Manning Ford	Morrow Brother's Ford
Explorer XLT 4X4	\$43,325.03	\$43,895.00	\$43,525.00
Outfitting	\$5,972.89	\$5,972.89	\$5,972.89
Total	\$49,297.92	\$49,867.89	\$49,497.89



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QUOTE No. 211584

Order No.
 Valid for 30 days

Winnebago County Sheriff's Office

650 West State Street
 Rockford, IL,61102

Site: 650 West State Street
 Rockford

Site Contact: Shawn Hughes

Salesperson: Bob Penniman

Date: 05/06/2024

Install lights siren radio in Detective car into Non-Police package Explorer

Item	Quantity	Unit Price	Total
Fusion 40?/ 180?: Blue	1.00	\$59.00	\$59.00
Fusion 40?/ 180?: Red	1.00	\$59.00	\$59.00
QUAD QSM Surface Mount	2.00	\$117.81	\$235.62
T3: Blue	1.00	\$34.99	\$34.99
T3: Red	1.00	\$34.99	\$34.99
FUSION-S 2X DASH	1.00	\$149.00	\$149.00
Triton 100W Speaker	1.00	\$119.00	\$119.00
3/4" Hole NMO Style Brass Mount with 17' RG58A/U stranded center , No Connector	1.00	\$28.00	\$28.00
Titanium Grey 740-870Mhz Antenna	1.00	\$12.50	\$12.50
Feniex Fusion Quad L Bracket	4.00	\$4.20	\$16.80
RF INDUSTRIES N male connector for RG58/U, RG58A/U, RG141, RG58 Ultralink. cable.	1.00	\$12.50	\$12.50
Flasher	1.00	\$53.40	\$53.40
Typhoon Handheld 100W Siren	1.00	\$300.00	\$300.00
Cannon? 120?: Blue	1.00	\$65.55	\$65.55
Cannon? 120?: Red	1.00	\$65.55	\$65.55
Cannon Bezel with mounting hardware	2.00	\$9.00	\$18.00
Solenoid L-Series - 150A 12/24V	1.00	\$181.99	\$181.99
Blue Sea 285 Series Circuit Breaker	1.00	\$55.00	\$55.00
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QUOTE No. 211584

Order No.
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Lund Industries LOFT-GV Gun Vault Compartment, secured weapon storage, designed for AR-15/M-4 Rifles, fits 2020-2024 Ford Interceptor Utility	1.00	\$865.00	\$865.00
LOFT Non-Partition Mounting Kit for installing any LOFT into a 2020+ Ford Police Interceptor Utility without a rear cargo partition	1.00	\$215.00	\$215.00
Standard Labor	28.00 hrs	\$100.00	\$2800.00
Standard Labor	4.00 hrs	\$100.00	\$400.00
Sub-Total ex Tax			\$5972.89
Tax			\$0.00
Total inc Tax			\$5972.89

Please contact us if you have any queries regarding this quote.

Bob Penniman



Ordinance Executive Summary

Committee Date: Thursday, June 6, 2024

Committee: Operations & Administrative

Prepared By: John Giliberti, Assistant State's Attorney

Document Title: Ordinance Amending Chapter 6 of the Winnebago County Code to Give the Winnebago County Liquor Control Commission the Authority to Grant Exemptions to Section 5/6-11 of the Liquor Control Act of 1934 Which Prohibits the Sale of Alcoholic Liquor Near Churches, Schools, and Hospitals

Board Meeting Date: Thursday, June 13, 2024

Budget Information:

Budgeted? No	Amount Budgeted? NA
If not, originally budgeted, explain the funding source?	
If ARPA or CIP funded, original Board approved amount? NA	
Over or Under approved amount? NA	By: \$
If ARPA funded, was it approved by Baker Tilly? N/A	
ORG/OBJ/Project Codes:	Descriptor:
Budget Impact?	

Background Information:

A liquor license application has been made for a pub/gaming lounge in Seward, Illinois. The proposed location is within 100 feet of a church. Illinois law, 235 ILCS 5/6-11(a), prohibits issuance of liquor licenses within 100 feet of churches, schools, hospitals and other places. However, Illinois law allows governmental entities the power by ordinance to establish regulations and restrictions covering the issuance of local liquor licenses and the operations under which local liquor licensees may operate, as the public good and convenience may require, so long as those regulations are not inconsistent with Illinois law.

Recommendation:

Winnebago County's Liquor Control Commission recommends the Winnebago County Board give it the power to grant exemptions to the prohibitions contained in 235 ILCS 5/6-11(a) and to limit the hours of operations for such exempted licenses, as the public good and convenience may require.

Contract/Agreement:

No

Legal Review:

Yes

Follow-Up:

Staff can follow-up with any questions that the Committee or entire Board may have.

**ORDINANCE
OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

2024 CO _____

SUBMITTED BY: OPERATIONS AND ADMINISTRATIVE COMMITTEE

SPONSORED BY: WINNEBAGO COUNTY LIQUOR CONTROL COMMISSIONER
JOSEPH CHIARELLI, AND WINNEBAGO COUNTY LIQUOR CONTROL COMMISSION
MEMBERS KEVIN MCCARTHY, JAIME SALGADO AND MICHAEL THOMPSON

**ORDINANCE AMENDING CHAPTER 6 OF THE WINNEBAGO COUNTY CODE TO
GIVE THE WINNEBAGO COUNTY LIQUOR CONTROL COMMISSION THE
AUTHORITY TO GRANT EXEMPTIONS TO SECTION 5/6-11 OF THE LIQUOR
CONTROL ACT OF 1934 WHICH PROHIBITS THE SALE OF ALCOHOLIC LIQUOR
NEAR CHURCHES, SCHOOLS, AND HOSPITALS**

WHEREAS, 235 ILCS 5/6-11(a) provides, in part, that no local liquor license shall be issued for the sale at retail of alcoholic liquor within 100 feet of, among other entities, any church, school, or hospital; and

WHEREAS, 235 ILCS 5/6-11(a-5) provides, in part, that a local liquor control commissioner may grant an exemption to the prohibition contained in 235 ILCS 5/6-11(a) if a county ordinance authorizes the local liquor control commissioner to grant such an exemption; and

WHEREAS, 235 ILCS 5/4-1 provides, in part, that with respect to any territory outside the limits of any city, village, or incorporated town the county board has the power by general ordinance to establish regulations and restrictions covering the issuance of local liquor licenses and the operations under which local liquor licensees may operate, as the public good and convenience may require, so long as those regulations and restrictions are not inconsistent with state law; and

WHEREAS, the Winnebago County Liquor Control Commission has recommended the County Board to give it the power to grant exemptions to the prohibitions contained in 235 ILCS 5/6-11(a) under such terms as the public good and convenience may require; and

WHEREAS, it is in the best interests of the citizens of Winnebago County, Illinois for the Winnebago County Code to be amended to give the Winnebago County Liquor Control Commission the authority to grant exemptions to the prohibitions contained in 235 ILCS 5/6-11(a) and to limit the hours of operation for such exempted licenses as the public good and convenience may require.

NOW, THEREFORE, BE IT ORDAINED, by the County Board of the County of Winnebago, Illinois that section 6-13 of the Winnebago County Code is hereby amended to read as follows:

Sec. 6-13. - Business hours.

- (a) Except as provided in subsections (b), (c), (d), (e), and (f) of this section, no alcoholic liquor shall be sold, offered for sale, furnished, carried out of, or consumed by anyone, including the owner and employees thereof, on any premises licensed under this chapter from 2:00 a.m. Sunday until the hour of 6:00 a.m. Monday, nor from 2:00 a.m. to 6:00 a.m. on other days during the week.
- (b) If December 31 falls on any day during the week, except Sunday, the closing hours shall be extended from 2:00 a.m. until 3:00 a.m. If December 31 falls on a Sunday, it shall be lawful for alcoholic liquor to be sold and consumed on a licensed premises specified in a class A, B, or C license, and sold on a licensed premises specified in a class D license, between the hours of 6:00 p.m. Sunday and 3:00 a.m. Monday.
- (c) A holder of a class A, B, or C license may sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises, as well as sell at retail alcoholic liquor in original and unbroken packages, on Sundays, between the hours of 6:00 a.m. and 12:00 midnight, if the licensee also holds a Sunday license as described in section 6-53.
- (d) A holder of a class D license may sell at retail, on the licensed premises, alcoholic liquor in original and unbroken packages, not for consumption on the premises, on Sundays, between the hours of 6:00 a.m. and 12:00 midnight, if the licensee also holds a Sunday license, as described in section 6-53.
- (e) A holder of a class K license may furnish and/or dispense, on a catered premises, alcoholic liquor for consumption on the catered premises at any time and on any day of the week, except between the hours of 2:00 a.m. and 6:00 a.m. Tuesday through Sunday and 12:01 a.m. and 6:00 a.m. on Mondays.
- (f) Whenever the Winnebago County Liquor Control Commission grants an exemption to 235 ILCS 5/6-11(a) in issuing a liquor license, the Commission may limit the days and hours during which alcoholic liquor may be sold by that licensee, and consumed on the licensed premises, to less than those provided above in this section, as the Commission deems the public good and convenience requires.
- (g) The hours of opening and closing as described in this section shall be applicable to either Central Standard Time or Central Daylight Savings Time, whichever is in effect in the county at the time in question.

(Code 1964, § 3-14; Ord. No. 90-CO-37, § 3-14, 6-28-90; Ord. No. 2010-CO-38, 4-22-10; Ord. No. 2019-CO-063, 6-27-19)

State Law reference— Authority of county to fix hours of sale, 235 ILCS 5/6-14.

BE IT FURTHER ORDAINED, that the Winnebago County Code is hereby amended by adding a section, to be numbered 6-19, which reads as follows:

Sec. 6-19. Authority to Grant an Exemption to 235 ILCS 5/6-11(a)'s Prohibition Against Issuing a Liquor License for the Sale of Alcoholic Liquor Within 100 Feet of a Church, School, or Hospital.

The Winnebago County Liquor Control Commission is authorized to grant exemptions to the prohibition contained in 235 ILCS 5/6-11(a), and as that statute may be hereafter amended, which prohibits the issuance of a local liquor license for the sale of alcoholic liquor near churches, schools, and hospitals, among other places.

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall be effective immediately upon its adoption.

BE IT FURTHER ORDAINED, that the Clerk of the County Board is hereby directed to prepare and deliver certified copies of this Ordinance to the Winnebago County Liquor Control Commission, the County Board Chairman, the County Administrator, the County Chief Operations Officer, and the County Clerk.

Respectfully submitted,
OPERATIONS AND ADMINISTRATIVE COMMITTEE

AGREE

DISAGREE

Keith McDonald, Chair

Keith McDonald, Chair

Valerie Hanserd, Vice Chair

Valerie Hanserd, Vice Chair

Paul Arena

Paul Arena

John Butitta

John Butitta

Joe Hoffman

Joe Hoffman

Jaime Salgado

Jaime Salgado

Michael Thompson

Michael Thompson

The above and foregoing Ordinance was adopted by the County Board of the County of Winnebago, Illinois, this _____ day of _____, 2024.

Joseph V. Chiarelli
Chairman of the County Board
of the County of Winnebago, Illinois

ATTESTED BY:

Lori Gummow
Clerk of the County Board
of the County of Winnebago, Illinois

**ORDINANCE
OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

2024 CO _____

SUBMITTED BY: OPERATIONS AND ADMINISTRATIVE COMMITTEE

SPONSORED BY: WINNEBAGO COUNTY LIQUOR CONTROL COMMISSIONER
JOSEPH CHIARELLI, AND WINNEBAGO COUNTY LIQUOR CONTROL COMMISSION
MEMBERS KEVIN McCARTHY, JAIME SALGADO AND MICHAEL THOMPSON

**ORDINANCE AMENDING CHAPTER 6 OF THE WINNEBAGO COUNTY CODE TO
GIVE THE WINNEBAGO COUNTY LIQUOR CONTROL COMMISSION THE
AUTHORITY TO GRANT EXEMPTIONS TO SECTION 5/6-11 OF THE LIQUOR
CONTROL ACT OF 1934 WHICH PROHIBITS THE SALE OF ALCOHOLIC LIQUOR
NEAR CHURCHES, SCHOOLS, AND HOSPITALS**

WHEREAS, 235 ILCS 5/6-11(a) provides, in part, that no local liquor license shall be issued for the sale at retail of alcoholic liquor within 100 feet of, among other entities, any church, school, or hospital; and

WHEREAS, 235 ILCS 5/6-11(a-5) provides, in part, that a local liquor control commissioner may grant an exemption to the prohibition contained in 235 ILCS 5/6-11(a) if a county ordinance authorizes the local liquor control commissioner to grant such an exemption; and

WHEREAS, 235 ILCS 5/4-1 provides, in part, that with respect to any territory outside the limits of any city, village, or incorporated town the county board has the power by general ordinance to establish regulations and restrictions covering the issuance of local liquor licenses and the operations under which local liquor licensees may operate, as the public good and convenience may require, so long as those regulations and restrictions are not inconsistent with state law; and

WHEREAS, the Winnebago County Liquor Control Commission has recommended the County Board to give it the power to grant exemptions to the prohibitions contained in 235 ILCS 5/6-11(a) under such terms as the public good and convenience may require; and

WHEREAS, it is in the best interests of the citizens of Winnebago County, Illinois for the Winnebago County Code to be amended to give the Winnebago County Liquor Control Commission the authority to grant exemptions to the prohibitions contained in 235 ILCS 5/6-11(a) and to limit the hours of operation for such exempted licenses as the public good and convenience may require.

NOW, THEREFORE, BE IT ORDAINED, by the County Board of the County of Winnebago, Illinois that section 6-13 of the Winnebago County Code is hereby amended to read as follows:

Sec. 6-13. - Business hours.

- (a) Except as provided in subsections (b), (c), (d), (e), and (f) of this section, no alcoholic liquor shall be sold, offered for sale, furnished, carried out of, or consumed by anyone, including the owner and employees thereof, on any premises licensed under this chapter from 2:00 a.m. Sunday until the hour of 6:00 a.m. Monday, nor from 2:00 a.m. to 6:00 a.m. on other days during the week.
- (b) If December 31 falls on any day during the week, except Sunday, the closing hours shall be extended from 2:00 a.m. until 3:00 a.m. If December 31 falls on a Sunday, it shall be lawful for alcoholic liquor to be sold and consumed on a licensed premises specified in a class A, B, or C license, and sold on a licensed premises specified in a class D license, between the hours of 6:00 p.m. Sunday and 3:00 a.m. Monday.
- (c) A holder of a class A, ~~B~~, or C license may sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises, as well as sell at retail alcoholic liquor in original and unbroken packages, on Sundays, between the hours of 6:00 a.m. and 12:00 midnight, if the licensee also holds a Sunday license as described in section 6-53.
- ~~(d) A holder of a class B license may sell at retail, on the licensed premises, alcoholic liquor for consumption on the premises, as well as sell at retail alcoholic liquor in original and unbroken packages, on Sundays, between the hours of 6:00 a.m. and 12:00 midnight, if the licensee also holds a Sunday license.~~
- ~~(e)~~(d) A holder of a class D license may sell at retail, on the licensed premises, alcoholic liquor in original and unbroken packages, not for consumption on the premises, on Sundays, between the hours of 6:00 a.m. and 12:00 midnight, if the licensee also holds a Sunday license, as described in section 6-53.
- (e) A holder of a class K license may furnish and/or dispense, on a catered premises, alcoholic liquor for consumption on the catered premises at any time and on any day of the week, except between the hours of 2:00 a.m. and 6:00 a.m. Tuesday through Sunday and 12:01 a.m. and 6:00 a.m. on Mondays.
- (f) Whenever the Winnebago County Liquor Control Commission grants an exemption to 235 ILCS 5/6-11(a) in issuing a liquor license, the Commission may limit the days and hours during which alcoholic liquor may be sold by that licensee, and consumed on the licensed premises, to less than those provided above in this section, as the Commission deems the public good and convenience requires.
- (g) The hours of opening and closing as described in this section shall be applicable to either Central Standard Time or Central Daylight Savings Time, whichever is

in effect in the county at the time in question.

(Code 1964, § 3-14; Ord. No. 90-CO-37, § 3-14, 6-28-90; Ord. No. 2010-CO-38, 4-22-10; Ord. No. 2019-CO-063, 6-27-19)

State Law reference— Authority of county to fix hours of sale, 235 ILCS 5/6-14.

BE IT FURTHER ORDAINED, that the Winnebago County Code is hereby amended by adding a section, to be numbered 6-19, which reads as follows:

Sec. 6-19. Authority to Grant an Exemption to 235 ILCS 5/6-11(a)'s Prohibition Against Issuing a Liquor License for the Sale of Alcoholic Liquor Within 100 Feet of a Church, School, or Hospital.

The Winnebago County Liquor Control Commission is authorized to grant exemptions to the prohibition contained in 235 ILCS 5/6-11(a), and as that statute may be hereafter amended, which prohibits the issuance of a local liquor license for the sale of alcoholic liquor near churches, schools, and hospitals, among other places.

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall be effective immediately upon its adoption.

BE IT FURTHER ORDAINED, that the Clerk of the County Board is hereby directed to prepare and deliver certified copies of this Ordinance to the Winnebago County Liquor Control Commission, the County Board Chairman, the County Administrator, the County Chief Operations Officer, and the County Clerk.

Respectfully submitted,
OPERATIONS AND ADMINISTRATIVE COMMITTEE

AGREE

DISAGREE

Keith McDonald, Chair

Keith McDonald, Chair

Valerie Hanserd, Vice Chair

Valerie Hanserd, Vice Chair

Paul Arena

Paul Arena

John Butitta

John Butitta

Joe Hoffman

Joe Hoffman

Jaime Salgado

Jaime Salgado

Michael Thompson

Michael Thompson

The above and foregoing Ordinance was adopted by the County Board of the County of Winnebago, Illinois, this _____ day of _____, 2024.

Joseph V. Chiarelli
Chairman of the County Board
of the County of Winnebago, Illinois

ATTESTED BY:

Lori Gummow
Clerk of the County Board
of the County of Winnebago, Illinois

UNFINISHED BUSINESS

Appointments

**PUBLIC WORKS
COMMITTEE**



Resolution Executive Summary

Prepared By: Winnebago County Highway Department

Committee: Public Works Committee

Committee Date: Tuesday, May 14, 2024

Resolution Title: Ordinance Amending Chapter 50, Article IV, of the Winnebago County Code and Adopting a Surface Water Management – Fee Schedule

County Code: PWC Resolution #24-023

Board Meeting Date: Thursday, May 23, 2024

Budget Information:

Was item budgeted?	N/A	Appropriation Amount:	\$ N/A
If not, explain funding source:			
ORG/OBJ/Project Code:	N/A	Budget Impact:	\$ N/A

Background Information: This ordinance amends the ordinance originally adopted by the County Board on August 24, 2006. It provides for better floodplain management to reduce flood damages and to account for new FEMA criteria and more accurate/modern mapping. It also incorporates better controls for construction erosion and sedimentation as part of the National Pollutant Elimination System.

The ordinance introduces a fee schedule for Highway Department staff to review construction in floodplains whenever a permit is required and for storm water reviews for new larger developments.

Recommendation:

Staff recommends approval

Contract/Agreement:

N/A

Legal Review:

By the State Attorney's office.

Follow-Up:

Ordinance to be laid over until the next County Board meeting.

**ORDINANCE OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

24-CO-

**SUBMITTED BY: PUBLIC WORKS COMMITTEE
SPONSORED BY: DAVE TASSONI**

**ORDINANCE AMENDING CHAPTER 50, ARTICLE IV, OF THE WINNEBAGO COUNTY
CODE AND ADOPTING A SURFACE WATER MANAGEMENT – FEE SCHEDULE**

WHEREAS, for the purposes of reducing flood damages caused by development in floodplains and controlling runoff increased by the construction of impervious surfaces, the Winnebago County Board adopted the County’s Surface Water Management Ordinance (2006 CO 98) on August 24, 2006; and

WHEREAS, said ordinance has not been updated since it was adopted; and

WHEREAS, the Federal Emergency Management Agency has revised floodplain management criteria and developed modern, more accurate mapping that will result in better regulation and maintain availability for flood insurance for citizens and businesses in Winnebago County; and

WHEREAS, maintaining water quality is in the public interest; and Winnebago County is participating in the National Pollutant Discharge Elimination System, which includes a commitment to Construction Site Erosion and Sediment Controls and Post Construction Runoff Controls; and

WHEREAS, the County entered into an Intergovernmental Grant Agreement with the State of Illinois, Illinois Emergency Management Agency to receive \$21,600.00 in grant funds and a Professional Services Agreement with Region 1 Planning Council at a not to exceed price of \$20,000.00 to update the County’s Surface Water Management Ordinance; and

WHEREAS, combining necessary changes and additions to existing regulations related to surface water management brings efficiency to enforcement and compliance.

NOW, THEREFORE BE IT ORDAINED, by the County Board of the County of Winnebago, Illinois, that Chapter 50, Article IV of the Winnebago County Code is hereby amended to read according to the form substantially as attached hereto.

BE IT FURTHER ORDAINED, that the “SURFACE WATER MANAGEMENT - FEE SCHEDULE” is adopted according to the form substantially as attached hereto.

BE IT FURTHER ORDAINED, that this Ordinance is effective immediately upon its adoption.

BE IT FURTHER ORDAINED that the Clerk of the County Board is hereby authorized to prepare and deliver one certified copy of this Ordinance to the Winnebago County Auditor, Treasurer, Director of Regional Planning and Economic Development, Administrator, and two certified copies to the Winnebago County Engineer, one of which is to be forwarded to the Federal Emergency Management Agency.

Respectfully submitted
PUBLIC WORKS COMMITTEE

AGREE

DISAGREE

Dave Tassoni, Chairman

Dave Tassoni, Chairman

Angela Fellars

Angela Fellars

Chris Scrol

Chris Scrol

Jim Webster

Jim Webster

John Penney

John Penney

John Guevara

John Guevara

Kevin McCarthy

Kevin McCarthy

The County Board of the County of Winnebago, Illinois this _____ day of _____, 2024, adopted the above and foregoing Resolution.

Joseph Chiarelli, Chairman of the
County Board of the
County of Winnebago, Illinois

ATTEST:

Lori Gummow, Clerk of the
County Board of the
County of Winnebago, Illinois



WINNEBAGO COUNTY

— ILLINOIS —

APPENDIX 1

SURFACE WATER MANAGEMENT – FEE SCHEDULE

Permit Type	Permit Fee
Base Fee - Stormwater & Floodplain	\$50.00
Sediment and Erosion Control	Per SWCD* Fee Schedule
Minor Development (less than 25,000 sq. ft.)	\$150.00
Intermediate Development (25,000 sq. ft - less than 1 acre)	\$250.00
Major Development (greater than 1 acre)	\$350.00
Other Fees	
Variances	\$350.00
Resubmittal	20% of original permit fee
Permit Extension Fee (required to extend permit by 1 year)	20% of original permit fee
After-the-Fact Permit	Double permit fee
Misc. staff time	\$80.00/Hour

*Winnebago County Soil and Water Conservation District

Soil Erosion and Sediment Control Plan Review
Winnebago County Soil and Water Conservation District
Phone - (815)-965-2392, ext. 3

FOR OFFICE USE ONLY	SWCD Application No.: _____
Date Application received: _____	Date all Information received: _____ Reviewed by: _____
Fee Paid: _____	Check No.: _____
Meets technical standards _____	Does not meet technical standards _____ Date technical standards acquired _____

	APPLICANT (Owner/Developer)	Erosion Control Consultant/Engineer
Business Name		
Address City/State/Zip		
Contact Name		
Phone		
E-Mail Address		
Relationship to project		

Current Project Name and Phase number: _____

Job site contact person: _____ **E-Mail Address:** _____

Job site contact person phone number: (_____) - _____ - _____

County/Municipal contact person: _____ **Phone #** (_____) - _____ - _____

Township, range, & section: or PIN(s)#: _____

Proposed land use: _____ **Acreage of disturbance:** _____

Pre-construction meeting date (if known): _____ **Location:** _____

Construction start date: _____ **Anticipated construction completion date:** _____

The applicant agrees to the following conditions:

1. Submit all required information listed on the following page for each phase of development, regarding the soil erosion and sediment control (SE/SC) plan.
2. Upon submittal of this application, pay the applicable fee, based on the attached fee schedule (Section 1 & Section 2), in accordance with total acres of disturbance to the original topography and/or vegetation disturbance.
3. Notify representatives of the Soil and Water Conservation District (SWCD) of the pre-construction meeting.
4. If SWCD is not contacted (in writing) prior to commencement of construction, the pre-construction notification fee will be forfeited.
5. Allow a Winnebago County SWCD representative the right to conduct on-site investigations throughout all active construction phases to determine whether all necessary SE/SC practices have been installed and are functioning properly.
6. Upon commencement of earthwork or construction, document SE/SC site inspections with all information being accurate and complete.
7. Comply with the Winnebago County SWCD's written and verbal recommendations regarding:
 - A. The SE/SC plan and corrections or changes made thereto.
 - B. Installation and maintenance requirements of the SE/SC practices on-site.
8. If any changes occur to the plans, schedules, etc., the applicant shall be responsible for notifying the Winnebago County Soil and Water Conservation District.
9. If construction is does not commence within 24 months of the plan approval, the project will be closed. Fees will not be returned.

Upon receipt of all required information, the SE/SC plan will be reviewed within **15 working days** and all involved parties will be notified whether or not the plan meets technical standards.

Applicant's Signature: _____ **Date:** _____

Table 1	SESC Inspection Fee Schedule	Plan Review & Inspection Fee **
Section 1	Application Fee*	
	Construction - Single Family Home requiring review	\$100
	Construction – Commercial Site/lot not part of a larger development - <1-acre disturbance	\$500
	Construction Site 1-4 acres	\$880
	Construction Site 5-9 acres	\$1,060
	Construction Site 10-14 acres	\$1,550
	Construction Site 15-19 acres	\$1,750
	Construction Site 20-29 acres	\$2,240
	Construction Site 30-39 acres	\$2,540
	Construction Site 40-49 acres	\$2,860
	Construction Site 50-59 acres	\$3,160
	Construction Site 60-69 acres	\$3,680
	Construction Site 70-79 acres	\$3,880
	Construction Site 80-89 acres	\$4,160
	Construction Site 90-99 acres	\$4,360
	Construction Site 100-160 acres	\$5,440
	Construction Site >160 acres	***
Section 2	Pre-Construction Notification fee	
	Refunded upon written notice of the construction start date and/or preconstruction meeting.	\$400

* For linear projects, use estimated width of disturbance x length and convert to acres. Round Acres to the nearest whole number.

** The fee Schedule is based on a maximum two (2) year project duration. Projects that last beyond two years may require additional fees.

***For projects >160 acres or any other unique project as determined by the SWCD Board of Directors, a modified fee schedule may be developed on an individual basis, based upon the size, complexity, and duration. **ALL FEES ARE SUBJECT TO YEARLY INCREASES.**

SEND REQUIRED INFORMATION WITH FEE PAYABLE TO:

Winnebago County SWCD
4833 Owen Center Road
Rockford, IL 61101

Hours: Monday thru Friday; 8:00 AM – 4:30 PM
Phone: 815-965-2392 x3

The Review and Inspections will be conducted on a non-discriminatory basis without regard to race, color, religion, national origin, age, gender, handicap or marital status. The Winnebago County Soil and Water Conservation District is a nonprofit organization.

Site Plan Checklist

ONLY for large Commercial, Industrial or Multi-Family Residential Developments

The soil erosion and sediment control plan cannot be reviewed until all of the following information is submitted for each upcoming active construction phase:

1. Existing site conditions and natural resources present, including:

- _____ Site boundaries and adjacent lands which accurately identify site location.
- _____ Buildings, roads and utilities.
- _____ Topography, vegetation, drainage patterns, subwatershed delineation, critical erosion areas, and any subsurface drainage tiles.
- _____ Wetland and floodplain delineation.
- _____ Location and identification of soil types.
- _____ Adjacent areas that affect or are affecting the project site, e.g. drainage onto or through the site affecting wetlands, streams, lakes, and drainage areas downstream.
- _____ Vicinity map.
- _____ Show areas where trees and vegetation are to be preserved.
- _____ Map legend, including north arrow and scale on all materials submitted.

2. Final site conditions, including:

- _____ An accurate depiction of post-construction appearance, (e.g. roads, buildings, open space).
- _____ Locations, dimensions, cross-sections and elevations of all (temporary and permanent) stormwater management facilities (including sediment basins), plus inlet and outlet locations.
- _____ Surface flow direction, including sheet flow and concentrated flow direction.
- _____ Post-construction topography, final contours should be easily distinguished (2-foot contour is preferred) including sub-watershed delineations.

3. A complete soil erosion and sediment control plan, including:

- _____ Location and detailed drawings of all permanent and temporary soil erosion and sediment control practices.
- _____ A schedule outlining the installation of the practices with the responsible parties identified.
- _____ Inspection and maintenance schedules with responsible parties identified.
- _____ Seeding information: rates, species, dates, fertilization, temporary or permanent.
- _____ Location and dimension of all temporary soil and aggregate stockpiles.

4. Locations, dimension & phase timeline of all land disturbing activities, including:

- _____ Designate construction limits, areas that will be disturbed and areas of wetland fill.
- _____ Describe grading and building schedule and phasing timeline.

Narrative Checklist

The soil erosion and sediment control plan cannot be reviewed until all of the following information is submitted for each upcoming active construction phase:

_____ **Project description** - Briefly describes the nature and purpose of the land disturbing activity, and the area (acres) to be disturbed.

_____ **Existing site conditions**- A description of the existing topography , vegetation, drainageways, subsurface drain tile, buildings, roads and utilities.

_____ **Adjacent areas**- A description of neighboring areas such as streams, lakes, residential areas, roads, etc., which might be affected by the land disturbance. Describe any adjacent or neighboring activities that may affect the soil erosion and sediment control plan.

_____ **Off-site areas**- Will any other areas be disturbed? Describe any off-site land disturbing activities.

_____ **Soils**- Provide a brief description of the soils on the site at the exposed soil horizon such as soil name, mapping unit, erodibility, permeability, texture, structure and depth to seasonal high groundwater. This information is available from the local Soil and Water Conservation District.

_____ **Critical areas**- A description of areas on the site which have potentially serious problems, (e.g. steep or long slopes, channels, intermittent streams, and side hill seeps).

_____ **Soil erosion and sediment control measures**- A description of the methods which will be used to control erosion and sedimentation on the site. Control methods should meet the standards in section 4 of the Illinois Urban Manual.

_____ **Construction Sequence**- A sequence of events for construction projects

_____ **Permanent stabilization**- A brief description including specifications of how the site will be stabilized after construction is completed.

_____ **Calculations**- Detailed calculations for the design of temporary sediment basins, permanent stormwater detention basins, diversions, channels, etc.. Include pre and post development runoff.

_____ **Detail drawings**- Include detail drawings form the Illinois Urban Manual. Any structural practices used that are not referenced to the Illinois Urban Manual or local handbooks should be explained and illustrated with detail drawings.

_____ **Operation and Maintenance** - Provide a schedule of maintenance for all temporary and permanent erosion and sediment control practices to ensure that they perform properly. Identify the parties responsible for maintenance.

ARTICLE IV. SURFACE WATER MANAGEMENT

Sec. 50-246. Title

This article shall be known, cited and referenced to as the "Surface Water Management Ordinance".

Sec. 50-247. Purpose and scope of article.

The purpose of this article is to establish regulations for unincorporated areas of the county that reasonably manage adverse effects to and by surface water to impacted areas and new development, occurring on or after the effective date of this ordinance (August 24, 2006), as amended. Specifically, potential surface water effects are:

(a) Flooding. Flooding is addressed by:

(1) Regulating Development in Floodplain Areas. This title refers to the Illinois Sample Flood Damage Prevention Ordinance (IDNR/OWR, as amended)¹~~Illinois State Model Floodplain Ordinance~~, the technical portions of which are Sections 6, 7, 8, 9, and 10. These sections, as adjusted to reflect county recognition of Flood Hazard Areas in addition to FEMA's Special Flood Hazard Areas, are hereby included in the Technical Regulations. Besides the public interest in reducing flood damages, the purpose of these requirements is to comply with Federal Regulations (Paragraph 60.3(d) of 44 CFR 59-60), in order for Winnebago County to remain in good standing with the National Flood Insurance Program.

a. Developments shall be regulated in accordance with the base flood standard, which is indicated in the definition of *Floodplain* in the following section 50-248. Also see the definitions of Development and especially Substantial Improvement which enumerates exceptions.

(2) Stormwater Detention Regulations. These regulations address escalation in flooding within new Developments and/or impacted areas, which increase the amount of impervious surface. The maximum controlled stormwater runoff release rate shall not exceed the natural safe stormwater drainage capacity of the downstream system, which has been found to be 0.2 cubic feet per second, per acre in the county. Details of compliance with this requirement are hereby incorporated in the Technical Regulations.

a. The following, however, shall not be included:

i. Traditional agricultural uses.

ii. The construction of single-family dwellings on lots or parcels of land which were of record prior to ~~August 12, 1976~~June 24, 1982.²

iii. Modification of single-family dwellings which will continue to be used as single-family dwellings.

iv. The use of lands adjacent and contiguous to and which discharge directly into the Rock, Pecatonica, Sugar, or Kishwaukee Rivers.

v. Improvement of existing roadways which does not increase the number of traffic lanes in the typical cross section of the roadway.

(3) Post Construction Runoff Quantity Controls. These are controls, like Stormwater Detention, that address the increased runoff associated with many types of development, but are more commonly associated with terms such as Low Impact Development and 'Green' Communities. Post Construction Runoff Control is a Best Management Practice (BMP) required of the County by the National Pollutant Discharge Elimination System (NPDES), Phase II. Allowances for such controls are hereby incorporated in the Technical Regulations.

1. water quality degradation. This degradation, often called pollution, is addressed by:

¹ Illinois Sample Flood Damage Prevention Ordinance, updated May, 2022

² New Lot of Record date from Winnebago County

(b) Construction Site Erosion and Sediment Control. These controls apply to any Land Disturbing Activity (see definition) with the intent that the transport of sediment via wind or rainwater runoff from sites affected by land disturbing activities be limited, as closely as practicable, to that which would have occurred if the land had been left in its undisturbed state. This is a BMP of NPDES Phase II; and has been addressed by a standard ordinance developed by the Winnebago County Association for Clean Water Action (WinACWA) 2005. Provisions of this ordinance are hereby incorporated in the Technical Regulations.

a. Except that, where floodplains are not involved, erosion and sediment control plans shall not be required for submittal for any of the following, provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures consistent with the principles of this regulation:

- i. Excavation below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of one acre for which a building permit has been issued by the County of Winnebago;
 1. Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Winnebago County Soil and Water Conservation District, and including the construction of agricultural structures;
 2. Installation, renovation, or replacement of a septic system to serve an existing dwelling or structure.

(2) Post Construction Runoff Quality Controls. These are additional controls, extending beyond the construction phase, which address water quality on a continuous basis. They can be as simple as some Low Impact Development techniques or as complex as a small surface water treatment plant. Post Construction Runoff Control is a Best Management Practice (BMP) required of the County by the National Pollutant Discharge Elimination System (NPDES), Phase II. Allowances for such controls are hereby incorporated in the Technical Regulations.

Sec. 50-248. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When language contained within the Winnebago County Unified Development Ordinance is referenced, and in conflict with this section, the language in this section shall be applied to the provisions of this ordinance.

Accessory Structure means a structure located on the same lot with the principal building and is customarily incidental and subordinate to the use of the principal building.

Administrator means the Winnebago County Engineer, or his/her designee. With regard to Construction Site Erosion and Sediment Control provisions of this Article and the Technical Regulations, on sites for which a building permit is required or pending, the term shall also include the Building Official of Winnebago County, and the Winnebago County Soil and Water Conservation District Executive Director, or his/her designee.

Authority means any agency with regulatory powers, Winnebago County, for the purpose of this ordinance.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

Base flood elevation (BFE) means the elevation in relation to mean sea level of the crest of the base flood. *Basement* means that portion of a building having its floor sub-grade (below ground level) on all sides.

Best Management Practices (BMP) means the primary method to manage stormwater runoff and mitigate pollution entering waterways. BMPs are tools, practices, and methods of stormwater management that control peak stormwater runoff rate, improve water quality, and manage runoff volume. (For additional guidance, see Section 1102 of the Technical Regulations.)

Building means a walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings, mobile homes, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

Certify or certification means formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Ordinance.

Clearing means any activity that removes vegetative ground cover.

Concentrated Animal Feeding Operation (CAFO) is defined as a Large CAFO pursuant to 35 Illinois Administrative Code 502.103. (<https://www.ilsos.gov/departments/index/admincodindex.html>)³

Control structure means a facility constructed to regulate the volume of stormwater runoff released during a specific length of time.

County means the County of Winnebago, Illinois.

County ~~board~~ Board means the County Board of the County of Winnebago, Illinois.

Critical Facility means any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

Development (see also Land Disturbing Activity) means any manmade change to improved or unimproved land, including, but not limited to,

- (1) demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (2) substantial improvement of an existing building;

³ New Definition added; specific to Large CAFOs.

- (3) installation of a mobile home or manufactured home on a site, preparing a site for a mobile home or manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
- (4) installation of utilities, construction of roads, bridges, culverts or similar projects;
- (5) construction or erection of levees, dams walls or fences;
- (6) drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- (7) storage or manufacture of materials, chemicals or other substances in floodplains, including the placement of gas and liquid (other than water) storage tanks. This definition is further refined in the prohibition enumerated in section 50-249(d)(17),
- (8) channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

District means the Winnebago County Soil and Water Conservation District.

Dry bottom stormwater storage area means a facility designed to be normally dry which accumulates excess stormwater only during periods when the restricted stormwater runoff release rate is less than the stormwater inflow rate.

Elevating of a building or structure means a method of minimizing flood damage wherein the lowest completely and permanently enclosed floor of a building or structure must be raised above a specified level, safe from significant damage from the base flood.

Engineer means the Winnebago County Engineer and person(s) designated by the County of Winnebago to review, approve, or enforce erosion and sediment control plans or storm water pollution prevention plans.

Excavation means any act by which organic matter, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

Existing grade means the vertical location of the existing ground surface prior to excavation or filling.

Existing ~~Manufactured-Mobile~~ Home Park or Subdivision means a manufactured-mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured mobile homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing ~~Manufactured-Mobile~~ Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means Federal Emergency Management Agency.

Fill means earth, sand, gravel, rock or any other material which is deposited, placed, replaced, dumped, pushed, pulled, transported or removed by man to a new location, and shall include the condition resulting therefrom.

Final grade means the vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Fringe means that portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map (FIRM) means a map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations. For the purpose of this ordinance, the FIRM is that specified under the definition of Floodplain.

Flood Insurance Study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. For the purpose of this ordinance, the FIS is that prepared for Winnebago County in companion with the FIRM.

Floodplain, Flood Hazard Area, and Special Flood Hazard Area (SFHA) (These terms are synonymous, except SFHA is specific to FIRMs) means those lands within the unincorporated county that are subject to inundation by the base flood. The SFHAs of the county are generally identified as such on panel numbers 17201C0020D to 17201C0415D, inclusive, of the countywide Flood Insurance Rate Map of Winnebago County, Illinois, prepared by the Federal Emergency Management Agency and dated September 6, 2006, and as may be subsequently amended by FEMA. Floodplain also includes those areas of known or suspected and subsequently delineated flooding as identified by the county by observation or sound hydraulic and hydrologic principles.

Floodproofing means any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing Certificate means a form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

Flood Protection Elevation (FPE) means the elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

Floodway means that portion of the floodplain required to store and convey the base flood. The floodway for the floodplains shall be as delineated on the countywide Flood Insurance Rate Maps of the county prepared by FEMA and dated September 6, 2006, or as may be subsequently amended by FEMA. The floodways for each of the remaining floodplains of the county shall be according to the best data available from the Federal, State, or other sources.

Freeboard means ~~An~~ an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Garage means a building, either attached or detached, used or designed to be used primarily for the parking and storage of vehicles.

Grading means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Historic Structure means any structure that is:

3. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
4. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
5. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
6. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

Hydric soil means a soil having a seasonal high water table at or near the surface of the soil most of the year.

Hydrophyte means a plant growing in water or in soil too saturated with water for most plants to survive.

IDNR/OWR means Illinois Department of Natural Resources/Office of Water Resources.

Impacted area means any parcel, or any portion of a parcel, within unincorporated Winnebago County, that includes a stormwater easement, a detention easement, drainage way, flood zone, flood plain, or flood way, and plat provisions⁴, and is affected by a natural or man-made event or action in such a way that is a violation of the provisions of this ordinance in its entirety.

Impervious surface. *Impervious area* means any hard-surfaced, compacted area that does not readily absorb or retain water, including but not limited to building roofs, asphalt and concrete surfaces, and graveled areas.

Inspector means the person designated to review, approve, or enforce erosion and sediment control plans or storm water pollution prevention plans.

Intermediate development means land disturbing activity that occurs on property of no less than 25,000 square feet and less than one (1) acre, and is not a public road improvement or mining development.

Landscape or Land disturbing activity means any grading, excavation or fill placement activity which, in any combination, affects an area of one acre or more; or that may discharge soil and erosion into,

⁴ Recorded plat restrictions and requirements are subject to requirements of this Ordinance.

or affect the performance of, any stormwater conveyance system; or alters or has the potential to alter existing floodwater storage, conveyance or direction of flow. Gardening, crop farming and measures necessary to reestablish healthy soil-stabilizing vegetation are not landscape disturbing activities.

Lot of record means an area of land designated as a lot of record or subdivision recorded pursuant to law.

Lowest floor means the lowest floor of the lowest enclosed area, including the basement. An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, shall not be considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable flood hazard area requirements of this article.

Major development means land disturbing activity great than 1 acre, that is not classified as a public road improvement, or mining development.

Manufactured home means a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one (1) or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. ~~structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.~~⁵

~~For floodplain management purposes, the term "manufactured home" also includes park — trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.~~

Manufactured home park or subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale.

Market value means the full fair cash value of real property as determined by the purchase price a willing buyer and seller would arrive at in the open market. The full fair cash value of real property shall be presumed to be the equalized assessment of the property.

Mining development means land disturbing activity that consists of extracting and/or mining material or aggregate resources. Activity is conducted upon a recorded parcel of land exceeding 2 acres and involves the removal of 10 feet or more of overburden.

Minor development means land disturbing activity that consists of hydrologic disturbance of less than 25,000 square feet and is not a public road improvement or mining development.

Mobile home means a single-family dwelling built on a permanent chassis designed for residential occupancy and containing complete electrical, plumbing, and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which is capable of being drawn over public highways as a unit, or in sections, and which is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended.

⁵ Amended definition consistent with Winnebago County Unified Development Ordinance.

"Manufactured Homes" are not considered a "Mobile Home." Park model homes and the like which meet this definition are considered mobile homes.⁶

For floodplain management purposes, the term "mobile home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days

Natural drainage means the existing runoff pattern of water on the ground surface prior to construction.

New Construction means structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New ~~Manufactured-Mobile~~ Home Park or Subdivision means a manufactured-mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured-mobile homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.⁷

NFIP means National Flood Insurance Program.

Parcel means all contiguous land held in one ownership.

Permitting authority means the County of Winnebago.

Person means an individual, public or private corporation, government, partnership or unincorporated association.

Planned development means any large-scale land development consisting of unconventional or creative lotting designs, ownership arrangements, land use patterns, land use mixes or other features uniquely permitted and regulated through the procedures identified for planned unit developments, planned community developments, or precise plan developments.

Post Construction Runoff Control means runoff control(s) over quantity (rate or volume) of flow; or quality (presence of suspended solids, chemicals, or other materials) of surface water leaving a development after construction is completed.

Positive gravity outlet means the drainage of an area in a manner that will ensure complete removal of all surface water by means of natural gravity.

Principal use means the main permitted or intended use of land and/or buildings as distinguished from a subordinate or accessory use.

Public road improvement means land disturbing activity that takes place in a public right-of-way or part thereof and does not include the construction of a building. Related construction includes, but is not limited to culverts, bridges, roadways, sidewalks, and bike paths. Public recreational trails and linear railroad developments shall be considered public road improvements with respect to the requirements of this Ordinance, even if the public recreation trail or linear railroad development is not located within a public right-of-way.

Removal means cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

Recreational Vehicle or Travel Trailer (see also, Mobile home) means a vehicle which is:

- (1) built on a single chassis;
- (2) four hundred (400) square feet or less in size;

⁶ Amended definition consistent with Winnebago County Unified Development Ordinance.

⁷ Reflects amended definition of mobile home.

(3) designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Runoff means that portion of precipitation or irrigation on an area which does not infiltrate into the soils, but instead flows off the surface of the land.

Repetitive Loss means Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Sediment/sedimentation means transported and deposited soil particles or aggregates, usually by wind or water.

SFHA- See definition of floodplain.

Shed means a relatively small accessory building often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity, or plumbing and it is commonly not placed on a permanent foundation when under two hundred (200) square feet in area. A 'shed' is typically intended to store lawn, garden, or pool care equipment.

Site means a lot or parcel of land, or a contiguous combination thereof, where construction activity is performed.

Start of Construction includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a mobile home, or manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Storm Water Conveyance and Storage System means any river, stream, creek, brook, branch, flowage, ravine, or natural or artificial drainageway, lake, pond, wetland, roadway drainage, storm sewer, etc. in or into which surface or groundwater flows, either perennially or intermittently.

Stripping means any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

~~*Structure* means anything which is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. A building or a fence shall be considered a structure.~~

Structure means anything erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground. A building, garage, shed, or a fence shall be considered a structure.⁸

Subdivision means any division of land into two or more parts, including transfers of land between adjacent property owners for the purpose of ownership transfer or future development.

Substantial Damage means damage of any origin sustained by a structure whereby the cumulative percentage of damage during the life of the building equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

⁸ Buildings, garages, sheds and fences must comply with the requirements of this Ordinance as they all are potential obstructions to water flow in the floodplain.

Substantial Improvement means any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the building in which the cumulative percentage of ~~improvements:equalsimprovements equals~~ or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or increases the floor area by more than twenty percent (20%).

“Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Traditional agricultural use means a use commonly classed as agricultural or horticultural, including forestry, crop farming, truck gardening, wholesale nursery operations, animal husbandry, the operation of any machinery or vehicles incidental to such uses, and the construction of single-family dwellings and other farm structures associated with such uses.

~~The term does not include Uses-uses~~ such as grain storage and processing, feed and fertilizer manufacture and processing, farm machinery repair or sales, Concentrated Animal Feeding Operations, or other similar agri-businesses which ~~substantially~~ increase the size of paved or compacted areas by more than 25,000 square feet (cumulative) causing significant or measurable increases in stormwater runoff ~~shall not be considered traditional agricultural uses.~~⁹

Technical regulations ~~meansmean~~ the Winnebago County Surface Water Management Technical Regulations, which are adopted by the ~~county~~ County to specify the details of compliance with the scope of this Ordinance. While this Ordinance contains these definitions and establishes county policy, administrative matters, and legal foundation, the Technical Regulations, still a public document, requires measurements, planning and execution by engineers, architects, surveyors, or other certified or qualified persons, not the general public. Technical regulations may also be more subject to amendment as better methods are documented or environmental standards grow ~~more strict~~ stricter.

Tributary watershed means the entire catchment area that contributes stormwater runoff to a given point.

Vacant means land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

Violation means the failure of a structure or other development to be fully compliant with the county's surface water management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

Waste means an unwanted byproduct of the developing/building process including construction-generated litter.

Wetland, ~~according to the U.S. Fish and Wildlife Service,~~ means ~~lands transitional between terrestrial and aquatic systems where the water table~~ areas where water covers the soil, or is usually present either at or near the surface of the soil all year or ~~the land is covered by shallow water~~ for varying periods of time during the year, including during the growing season. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate

⁹ Amended definition. Added concentrated animal feeding operations (see new definition), and clarified size of paved or compacted areas.

is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year ([US Fish & Wildlife Service](#)).

Wet bottom stormwater storage area means a facility that contains a body of water and which accumulates excess stormwater during periods when the restricted stormwater runoff release rate is less than the stormwater inflow rate.

(b) Words not defined in this section shall be interpreted in accordance with definitions contained in

~~Webster's New Collegiate Dictionary, 1993 edition~~[Merriam Webster Online Dictionary](#).

Sec. 50-249. Administration.¹⁰

(a) Administration of this article shall be the responsibility of the Administrator, who shall have authority to perform all duties enumerated in this section. The Administrator shall develop and maintain a familiarity with all state and federal laws related to floodplain management and drainage, including section 404 of the Federal Water Pollution Control Act of 1972 and subsequent amendments thereto (~~42 USC 1334~~[33 USC 1251](#)); and Statewide Permits issued by IDNR/OWR. The Administrator shall not issue a permit with respect to this article until clearance necessary from the respective state and federal agencies is obtained. No development or activity ~~that constitutes within an impacted area~~ regulated by this article, shall commence in any area known or suspected to be inundated by the base flood without prior written approval from the Administrator in accordance with the requirements of this article.

1. ~~Interpretation of terms and words. The words 'shall', 'will', and 'must' are mandatory, not permissive. Definitions of terms specific to this ordinance are contained in Section 50-248.~~

(b) The Administrator may appoint any individuals or organizations to act in whole or part under this authority. The Administrator shall have appropriate assistance from the zoning officer, the building officer, the plats officer and officials of the county health department. These officials shall assist and cooperate with the Administrator in the administration of this article, and shall notify the Administrator regarding any official actions which may fall under the jurisdiction of this article and any suspected violations of this article.

(c) The officials mentioned in subsection (b) of this section shall familiarize themselves with this article, with particular attention to the areas and activities regulated by this article, and shall refer all requests for permits for such activities made to their respective offices to the Administrator for approval according to this article. After November 13, 1980, no zoning clearance, building permit, or plat or subdivision approval shall be issued by the zoning officer, building official or plats officer for a development activity or land subdivision in a known or suspected base flood area until the proposed use, structure, development, subdivision or activity is approved by the Administrator. All requests for well permits, onsite waste disposal systems and onsite waste processing systems within the county shall be submitted in writing to the Administrator for review.

(d) The Administrator shall enforce the provisions of this article, and for that purpose shall have the following additional powers and duties to:

1. Require that a permit or clearance be obtained prior to any new use or improvement of ~~land or property~~[land, property, or impacted area](#) subject to the base flood, including, ~~but not limited to~~, the placement of fill and landscape grading; the Administrator shall review and examine all applications for such permits to ensure compliance with the provisions of this article. This work shall include:
 - a. ~~comparison~~[Comparison](#) of the elevation of the site to the base flood elevation. Any ~~development~~[development or land disturbing activity](#) located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any ~~development~~[development or land disturbing activity](#) located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.
 - b. ~~with~~[With](#) reference to the above paragraph, maintenance of any documentation of the existing ground elevation at the ~~development site~~[development site or within the impacted area](#) and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

¹⁰ Amendments apply to existing properties and parcels, and new construction activity.

2. Review each plan and determine its conformance with all provisions of this ordinance, and within thirty days after receiving the plan, and shall in writing:

- a. approve the plan if it is found to be in conformance with the provisions of this ordinance;
- b. approve the plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance; or
- c. disapprove the plan, indicating the deficiencies and the procedure for submitting a revised plan.

Approval shall not be issued for an intended ~~development site~~ development site or impacted area unless:

- i. The ~~development~~ development or impacted area, including but not limited to subdivisions and planned unit development, has been approved by the County of Winnebago where applicable, or
 - ii. The proposed ~~development~~ development or impacted area is coordinated with any overall development program previously approved by the County of Winnebago for the area in which the site is situated; and
 - iii. All relevant federal and state permits (eg., for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance.
3. Collect any fees which may be established by the County Board, issue permits or other certificates indicating compliance with this article and keep permanent records thereof;
 4. Conduct inspections of buildings, structures, lands and uses, including substantial damage determinations, as are necessary to determine compliance with this article; such inspections may be made by the building official or inspector in conjunction with normal building or construction inspections;
 5. Receive, file and forward as necessary all applications pertaining to this article;
 6. Initiate, direct and review from time to time the provisions of this article and make recommendations to the county board as necessary;
 7. Initiate amendments to this article as may be necessary to comply with changes in the National Flood Insurance Program or state floodplain management requirements; and cooperate with federal and state agencies to coordinate base flood data and to improve the administration of this ordinance.
 8. Revoke permits, certificates of compliance and post stop work orders where the provisions of this article are being violated;
 9. Require or conduct elevation surveys and monumentation as necessary to ensure compliance;
 10. Issue notices of violation when necessary and take further action as specified in this article to obtain compliance;
 11. Provide and maintain public information relative to all matters arising out of this article; and for that purpose, retain plans, specifications, and reports for all developments and impacted areas. Annually publish informational material advising property owners on threats, hazards and vulnerabilities;
 12. Issue orders preventing the occupation or use of any land, building or structure which has been constructed or modified in violation of the terms of this article;
 13. Issue orders to initiate and carry out corrective measures where a violation of the terms of this article has placed other properties in peril;
 14. Maintain records of all official actions taken under this article; and:
 - a. Provide the county board, the state department of transportation, the division of water resources, and the Federal Insurance Administration with an annual report of flood hazard area activities on forms provided by the Federal Insurance Administration.
 - b. Require and maintain records of lowest floor elevations, floodproofing certifications, variance documents and other records required by the Federal Insurance Administration.

- c. Maintain a record of the lowest floor elevations in flood hazard areas of all new structures or substantial improvements of structures constructed after November 19, 1980. These floor elevations shall be available to the public.
 - d. Maintain the records of all proceedings and actions of the board taken in connection with this article.
 - e. Notify the Federal Insurance Administration, as part of the annual report, of all variances granted.
15. As applicable to their jurisdiction: notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse.
16. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.
17. Prohibit the storage or manufacture of materials, chemicals or other substances in floodplains, including:
- a. the placement of gas and liquid (other than water) storage tanks,
 - b. water-soluble chemicals,
 - c. materials which are buoyant,
 - d. pesticides, herbicides, and fertilizers,
 - e. radioactive materials,
 - f. grain or other storage of materials or substances which can be easily damaged by floodwaters, and
 - g. the storage of any other chemical or substance in large or small amounts which, in the judgment of the Administrator, has the potential to pollute floodwaters, impair flood flows, or increase the damage hazard to other property owners upstream or downstream.

Except that the types of storage or manufacture which are exempted are:

- ~~ai.~~ storage or manufacture which is floodproofed to withstand a flood exceeding the base flood by one foot;
- ~~ii~~b. the storage of gasoline, oil and other substances necessary in the operation and maintenance of marine craft and watercraft; and
- ~~e~~iii. storage or manufacture existing prior to November 30, 1980, for a period of three years from November 30, 1980. Thereafter, these items shall be removed or floodproofed to withstand a flood exceeding the base flood by one foot. However, in any case where the preexisting storage or manufacture of a prohibited and not otherwise exempted substance is abandoned or ceased for a period of three consecutive months, then neither that activity nor any similar prohibited activity shall be reestablished, except in conformance with this article.

Sec. 50-250. Enforcement and Penalties.¹¹

The ~~administrator~~ Administrator shall be the official primarily responsible for the enforcement of this article. The ~~administrator~~ Administrator shall serve notice of a violation of this article on the owner or his authorized agent, a tenant, architect, builder, contractor or other person who commits or participates in any violation. The administrator may request the state's attorney to institute legal proceedings necessary to enforce this article or prevent or remedy any violations thereof. He/~~she~~ may also request the assistance of the county sheriff's department in enforcing this article.

- (a) It shall be unlawful for any person to violate, disobey, omit, neglect, or refuse to comply with, or to resist enforcement of, any provision of this Ordinance, or variance required by this Ordinance.
- (b) It shall be unlawful under this article for any applicant or person to submit any inaccurate plans, plats or other documents to the aAdministrator or other office involved in the enforcement of this article.
- (b)(c) Stop-work order; In the event any person holding an approved erosion and sediment control plan, or development permit, pursuant to this ordinance violates the terms of the approval, or carries on site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the County of Winnebago may suspend or revoke approved construction activity including, but not limited to: any and all building permits,

¹¹ Section 250 combines Section 50-250 Enforcement and Section 50-251 from the previous version of the Ordinance.

grading activity, road construction, or other construction related activities until such time the approved erosion and sediment control plan, or conditions of the development permit are satisfactorily implemented and/or maintained.

~~(e)(d)~~ Enforcement of violations of an approved plan and/or within any impacted area shall be by a written stop-work order issued by the County of Winnebago and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violation cited, and shall state the conditions under which work may be resumed. Failure to follow an approved erosion and sediment control plan may be just cause to permanently suspend or revoke authorized construction activity or building permit.

(e) It shall be unlawful for the person owning or exercising control over any property, or development thereon, to permit or allow that property, or any development thereon, or any condition thereof, to violate, or remain in violation of, any provision of this Ordinance, or fail to comply with, abide by or satisfactorily complete any condition of any variance granted to, or issued for, that property or development.

(f) It shall be unlawful for any person to continue any work on a property after having been served with a stop work order issued pursuant to Sec. 50-250 (ac), except such work as that person is directed, or authorized, to perform by the Administrator necessary to remove a violation having a temporary impact or to abate an unsafe condition.

(g) Inspection and Maintenance Authority. Pursuant to the authority granted by 55 ILCS 5/5-1104 & 5-1062, the County may, after thirty (30) days written notice to the owner or occupant, in a non-emergency situation enter upon any lands or waters within the County for the purpose of inspecting or maintaining stormwater facilities or causing the removal of any obstruction to an affected watercourse. Such Notice to be mailed to the last known address of each owner. The cost to the enforcing authority for any and all action taken as a result of the notice, is a lien upon the property, and the enforcing authority may take all steps to make such lien of record.

(h) The Administrator may require the person to apply for an "after-the-fact" stormwater management permit, including any and all supporting documentation required thereto, for any unpermitted, unauthorized regulated development, disturbance, or impact.

(i) The Administrator may require the development site or impacted area to be fully restored to its condition existing prior to the violation. If it is not feasible or practical to fully restore the development site or impacted area to the condition existing prior to the violation, the Enforcement Officer may allow the development site or impacted area to be restored to a condition that increases flood storage or decreases stormwater runoff compared to the condition existing prior to the violation.

(j) The Administrator may take other legal action including but not limited to a temporary restraining order and other preliminary or permanent injunctive relief necessary to prevent further harm or violation and/or remedy any harm or violation that has already occurred, and if applicable require removal, correction, remediation and/or mitigation for said harm and violation. In addition to any fine or other relief, all costs and expenses, including reasonable attorney's fees incurred, may be recovered.

(k) The Administrator may, after notice is sent to the owner(s) of the parcel(s) upon which the violation is located, record the complaint filed, the notice of violation or any stop work order against the property at the Winnebago County Recorder of Deeds Office.

(l) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation or fill, or develop in the floodplain, or cause the same to be done, contrary to or in violation of any terms of the ordinance. If necessary, the performance bond filed by the applicant may be forfeited to the County of Winnebago to cover the cost of repairs. Any person violating any of the Erosion and Sediment Control provisions of this ordinance shall not be awarded a Certificate of Occupancy from the County until violations have been corrected.

(m) With respect to floodplain violations, the county shall record a notice of violation on the title of the property; and the administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(n) **Penalty.** Failure to comply with any of the requirements of this article shall constitute a petty offense, and any person, upon conviction thereof, shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Each day the violation continues shall be considered a separate and distinct offense for which the violator may be subject to the penalties of this section.

Sec. 50-251. Penalty for violation of article.

~~(a) It shall be unlawful under this article for any applicant or person to submit any inaccurate plans, plats or other documents to the administrator or other office involved in the enforcement of this article.~~

~~(b)(a) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation or fill, or develop in the floodplain, or cause the same to be done, contrary to or in violation of any terms of the ordinance. If necessary, the performance bond filed by the applicant may be forfeited to the County of Winnobago to cover the cost of repairs. Any person violating any of the Erosion and Sediment Control provisions of this ordinance shall not be awarded a Certificate of Occupancy from the County until violations have been corrected.~~

~~(c)(a) Failure to comply with any of the requirements of this article shall constitute a petty offense, and any person, upon conviction thereof, shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Each day the violation continues shall be considered a separate and distinct offense for which the violator may be subject to the penalties of this section.~~

~~(d) With respect to floodplain violations, the county shall record a notice of violation on the title of the property; and the administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.~~

Sec. 50-252. Disclaimer of liability.

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the county or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

Sec. 50-253. Applicability and Severability.

When this article imposes a greater restriction than those imposed or required by the provisions of existing ordinances or rules and regulations, this article shall control. When the provisions of existing ordinances or rules and regulations impose greater restrictions than those imposed or required by this article, they shall control.

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Sec. 50-254. Administrative Review Act.

The Administrative Review Act, 735 ILCS 53-101 et seq., shall not be applicable to this article.

Sec. 50-255. General requirements.

In general, all **land disturbing activity** and developments¹² located within the county and without any city, village or incorporated town are regulated in accordance with **Section 50-247**, Purpose and Scope of this Article, with particular note of definitions, exceptions, and the adoption

¹² Ordinance applies to all land disturbing activity on existing properties and parcels, and new construction activity.

of Technical Regulations, which govern specifics of compliance. No land disturbing activity or development may be sanctioned by issuance of building permits, recording of subdivision or plats of land, or otherwise officially authorized without meeting the approval of the Administrator. Also, generally:

- 1) Interpretation. This Ordinance shall be liberally construed to protect the health, welfare, safety, and the environment of the residents of the County and to effectuate the purposes of this Ordinance and the enabling legislation.
 - a) Nothing contained in this Ordinance shall be deemed to consent to, license, permit to locate, construct, or maintain any structure, site, facility or operation, or to carry on any trade, industry, occupation, or activity.
 - b) Interpretation of technical provisions of this Ordinance shall be made by the Administrator.
- 4)2) Any land disturbing activity and ~~Developments~~ development shall be regulated in accordance with the base flood standard, which is indicated in the definition of *Floodplain* in ~~section~~ Section 50-248. Base Flood elevations shall be in accordance with the FIS, or FIRM; or, if in dispute, the applicant shall provide better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site. If data is needed beyond the scope of the FIS, the applicant shall provide engineering analysis acceptable to the Administrator. In floodplains within the county, no person, property owner, builder or contractor shall commence any of the activities listed in this subsection in any known or suspected flood hazard area without prior clearance and written approval from the Administrator or his delegate:
 - (a) Construction of new structures of any type;
 - (b) Substantial improvement of existing structures;
 - (c) Any improvement to existing structures in a floodway;
 - (d) Placement of mobile homes;
 - (e) Placement or storage of chemicals, substances, debris or other materials;
 - (f) Design and construction of any type of planned development as designed;
 - (g) Construction, expansion, repair or reconstruction of a mobile home park;
 - (h) Landscape disturbing activities;
 - (i) Watercourse modifications on any stream, tributary or drainageway regardless of contributing watershed size;
 - (j) Any subdivision or redivision of land, including transfers between adjacent property owners, regardless of the size or acreage of the property; and
 - (k) Placement or replacement of wells, water supply systems, sanitary sewer facilities, and onsite waste disposal or processing systems.
 - (l) Land disturbing activity that results in:
 - i. unreasonable new or additional expense to any person other than the applicant for flood protection or for lost environmental stream uses and functions attributable to the activity;
 - ii. Unreasonable increase in elevations or decrease flood conveyance capacity upstream or downstream of the area;
 - iii. Violate any provision of this Ordinance either during or after construction; and
 - iv. Unreasonably or unnecessarily degrades surface or ground water quality.

2. Within all areas designated as base flood hazard areas and within all areas known or reasonably suspected to be subject to the base flood, the Administrator shall require from ~~applicants~~applicant's information sufficient to ensure compliance with this article.

2.3. For purposes of this article, changes in flood elevations or changes in discharges, within the limits of modeling tolerance allowed in this Ordinance shall be deemed acceptable.

3.4. for Erosion and Sediment Control:

Except as otherwise provided in this ordinance, no person shall commence or perform any land disturbing activity, including but not limited to, clearing, grading, stripping, excavating, or filling of land which meets the following provisions without having first obtained approval for a complete set of Engineering Drawings, including a detailed erosion and sediment control plan to the County of Winnebago for review by the Engineer.

The management practices, controls, and other provisions contained in the erosion and sediment control plan must be at least as protective as the requirements contained in the *Illinois Urban Manual-A Technical Manual for Urban Ecosystem Protection Enhancement, 2002as amended*, prepared by the members of the Illinois Urban Manual Technical Review Committee and Steering Committee~~U.S. Department of Agriculture, Natural Resources Conservation Service.~~

If the applicant is required to comply with the requirements of a Phase II, NPDES permit, submittal of a copy of the Notice of Intent (NOI), copy of the Illinois Department of Natural Resources Consultation Agency Action Report, and the approved Storm Water Pollution Prevention Plan (SWPPP) to the ~~Inspector~~Administrator, a minimum of 30 calendar days before the planned commencement of construction will be accepted in lieu of an Erosion and Sediment Control Plan. This requirement shall contain the following requested in this Ordinance.

1. Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, offsite borrow areas, or any combination thereof) that will affect an area greater than or equal to one acre;
2. Any land disturbing activity that may discharge soil and erosion into any storm water conveyance system;
3. The County of Winnebago reserves the right to require any non-agricultural, construction development activity, or land disturbing activity regardless of ~~disturbed~~ area or type of activity, to comply with this Ordinance if it is determined to be causing or contributing to existing or potential new erosion of soil or otherwise impacting the performance of an existing storm water conveyance system.

Exceptions are listed in Sec. 50-247(b)(1)a.

4.—

For building protection:

5. Within the boundary of the regulatory floodplain, all usable space in new buildings, or added to existing buildings, shall either be elevated, floodproofed, or otherwise protected such that the lowest entry shall be at least one foot above the nearest base flood elevation to prevent the entry of surface stormwater. Floodproofing devices shall be operational without human intervention. If electricity is required for protection against flood damage, there shall be a backup power source which will activate without human intervention. Floodproofing measures shall be certified by a Professional Engineer.

~~6. All usable space in new buildings or added to existing buildings, shall be elevated, floodproofed, or otherwise protected to at least one foot above the design elevation to prevent the entry of surface stormwater. The design elevation is the higher elevation of either Article X or the elevation associated with the design rate as determined in Section 15-73.A.2.~~

~~5-7. For all other building protection standards please refer to the Technical Regulations related to this ordinance.~~

Sec. 50-256255. Development permits Permits required.

The following are general, typically minimum requirements. Requirements for meeting specific aspects of floodplain, stormwater detention, construction site erosion and sediment controls, and post construction runoff controls are given in the Technical Requirements. It is the intent, as far as possible, to combine applications and documentation of compliance, including a single site development and erosion control plan showing floodplains, and temporary and permanent erosion control measures.

~~(a) Required. A development surface water management¹³ permit shall be required before beginning or continuing any land disturbing activity or development activity if such development activity is subject to any of the provisions of this article.~~

~~(a)(b) Phasing. In order to preclude inappropriate phasing of development to circumvent the intent of this Ordinance, the requirements of this Ordinance shall apply to all regulated development within the contiguous property, unless waived by the Administrator~~

~~(b)(c) Forms; fee; contents of application. Application to the Administrator for a development surface water management permit shall be made by the owner or his authorized agent, ~~shall be~~ on forms provided by the Administrator, and shall be accompanied by a fee according to a schedule established by the County Board.~~

1. The permit application shall contain, at minimum:
 - a. The name of the owner;
 - b. The location and description of the development;
 - c. A statement by the applicant that he understands his obligations under this article; and
 - d. The signature of the applicant.
2. When the proposed land disturbing activity or development is substantial-classified as Major (see Definitions) in extent, including, but not limited to, land subdivisions or planned developments; commercial, industrial or institutional sites; or construction or substantial improvement in a flood hazard area, the Administrator shall, in addition, where applicable, require the following:
 - a. Prior review of preliminary plans and tentative plats;
 - b. An estimated cost of project or improvements prepared by a licensed engineer architect or contractor; and a bond, letter of credit, certified check or other such suitable guarantee to ensure the completion of any facilities required by this article;
 - c. A plan for the responsibility of maintaining drainage ditches, stormwater storage areas, erosion and sediment control measures, and other facilities required in this section.

¹³ Permits available from the Winnebago County Highway Department and shall be submitted with all land disturbing activity subject to the requirements of this Ordinance.

1. Acceptable plans for maintenance shall specify which persons shall have the following responsibilities: Construction, on-site, and permanent function maintenance.
2. Acceptance plans for maintenance may include the following:
 - i. Agreements with units of local government or school districts; and
 - ii. Agreements with individual property owners or property owners association, provided that the face of any final plat makes reference to the agreement and that a restrictive covenant running with the land be imposed on all affected property; and

d. Information showing how the land disturbing activity or development will comply with the general intent and technical requirements of this article, such as:

1. A site development plan; which shall include, as a minimum:
 - (a) a scaled drawing of the site, showing property lines and existing and proposed grade elevations or contours,
 - (b) the location of all existing buildings and proposed additions or new buildings with the elevation of the lowest floor (including basement) of such proposals within flood hazard areas.
2. Any supplemental information necessary for the Administrator to evaluate the development's-site's compliance with the requirements of this article; and
3. An estimated schedule of development phases.

(d) Terms and Extensions

1. The term of surface water management permit shall be from the issue date to the expiration date, as follows:
 - a. The lesser of 2 years or the term of the building permit for Minor developments and public road improvements.
 - b. The lesser of 3 years or the term of the building permit for Major developments.
 - c. The lesser of 10 years or the term of the special use permit for Mining Development.
2. A permit extension may be requested in writing by the applicant if the land disturbing activity is not completed within the term of the surface water management permit. The Administrator may extend the permit for the time periods listed below. Permit extension requests may not be made prior to 90 days of the permit expiration date.
 - a. The permit term for Minor Developments and public road improvements may be extended for 6 months at a time.
 - b. The permit term for Major Developments and Mining Developments may be extended for 12 months at a time.

3. The Administrator may amend or add special conditions to the permit at the time of the extension, such as updating the terms of a performance guarantee by revising the estimated cost to complete construction.
4. A surface water management permit shall be terminated without the possibility of an extension if the actual start of construction is not commenced within 180 days after the issue date of the surface water management permit and if any activity related to a building authorized by the surface water management permit is not in compliance with the most recent version of:
 - a. The FIS;
 - b. The FIRM;
 - c. The NFIP regulations; and
 - d. The Flood Hazard Areas Performance Standards of this Ordinance.
5. A stormwater management permit may be terminated during its term or a permit extension may be denied for reasons including, but not limited to:
 - a. Noncompliance with any condition of the permit;
 - b. The applicant's failure to disclose fully all relevant facts in the application process or the applicant's misrepresentation of any relevant facts at any time;
 - c. The regulated development is not commenced within 2 years after the issue date of the surface water management permit;
 - d. The regulated development is suspended or abandoned for a period of 6 months after commencing the land disturbing activity.

(e) Permit Conditions

4. Special Conditions may be added to a permit by the Administrator to clarify the purpose or authorization granted by the surface water management permit. Special conditions may also specify other restrictions and constraints of the land disturbing activity/
1. Development plans bearing the approval stamp of the Administrator shall be retained at the development site throughout the duration of construction activities.
2. A deed or plat restriction required as part of a surface water management permit shall not be modified without the approval of the Administrator.

Sec. 50-257-256. and Surface Water Management Fee Schedule.

Unless otherwise waived pursuant to Sec. 50-247 (2) a. of this Ordinance, all applications for permits pursuant to this Ordinance shall be accompanied by fees set forth in the 'Surface Water Management Fee Schedule' attached to this Ordinance as Appendix 1. Said fees may be amended from time to time by the Winnebago County Board by amending this Ordinance. The County Engineer may, at the County Engineer's discretion, waive any fees imposed by this Article IV. Of Chapter 50 of the Winnebago County code if the fees are for a permit application by another state or municipal agency within the County of Winnebago, Illinois. A copy of Appendix 1 is available at the Winnebago County Highway Department, 424 North Springfield Avenue, Rockford, Illinois, 61101.

Sec. 50-258257, and 50-258. Reserved.

Sec. 50-259. Variances.¹⁴

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the County Board for a variance. The Administrator shall review the applicant's request for a variance and shall submit his recommendation to the County Board. The County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

a) A public hearing is required for a variance petition that affects adjoining properties or has the potential to affect adjoining properties, as determined by the Administrator.

1. Application requirements

a. Name and address of petitioner and professional consultants, if any

b. Legal description and PIN of subject parcel

c. Description of impacted area

d. Identification of each Ordinance provision for which a variance is requested, including plans and calculations,

e. Supporting documentation deemed necessary by the Administrator.

a)b) No variance shall be granted unless the applicant demonstrates that all of the following ~~conditions-standards~~ are met:

(1) If within a floodplain, the development activity cannot be located outside the floodplain.

(2) An exceptional hardship would result if the variance were not granted.

(3) The relief requested is the minimum necessary.

(4) ~~There will be no additional threat to public health, safety or creation of a nuisance.~~ There will be no additional threat to public health, public safety, destruction of beneficial stream uses and functions including, aquatic habitat, causation of fraud on or victimization of the public, conflict with existing local laws or ordinances, or creation of a nuisance.

(5) ~~There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.~~ There will be no additional public expense for flood protection, rescue or relief operations, policing, lost environmental stream uses and functions, repairs to streambeds and banks, or repairs to roads, utilities, or other public facilities.

(6) ~~The applicant's~~ circumstances of the property are unique and do not establish a pattern inconsistent with the intent of these regulations, NPDES, or NFIP, ~~and~~

~~(6)(7)~~ Good and sufficient cause has been shown that the unique characteristics of the size, configuration, or topography of the site renders the requirements of this ordinance inappropriate.

~~(7)(8)~~ all ~~All~~ other state and federal permits have been obtained.

(c) If the requirements of the building protections standards of Section 207 of the Technical Regulations would lessen the degree of protection to a building, the Administrator shall notify an applicant in writing that a variance will:

1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
2. Increase the risk to life and property, and

¹⁴ Additional requirements are included for consideration of variance requests.

3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(d) Variances to the building protection requirements of Section ~~County~~ 207 of the Technical Regulations which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 206 and 207 of this ordinance subject to the conditions that:

1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

Secs. 50-260--50-280. Reserved.

END OF ORDINANCE

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~~{The~~ The following sections 100 through 900 were adopted August 24, 2006, by the Winnebago County Board as part of the ~~the~~ Amendment to Article IV Surface Water Management, of the County Code.

Winnebago County Surface Water Management Technical Regulations

- 100 . . Introduction
- 200 . . Floodplain Regulations
- 300 . . Stormwater Detention Regulations
- 400 . . Post Construction Runoff
Quantity Controls
- 500 . . reserved
- 600 . . Construction Site Erosion and Sediment Control
- 700 . . Post Construction Runoff Quality Controls
- 800 . . reserved
- 900 . . reserved
- 1000 . Surface Water Management Guidance

100 . Introduction

The Surface Water Management Ordinance establishes the policies and objectives adopted by the Winnebago County Board for surface water management. The Ordinance also includes a common location, Section 50-248, of definitions, and other sections covering administrative procedures and legal foundation. These Surface Water Technical Regulations further define much of the specific criteria by which plans and implementations shall be judged to meet the policies and objectives. They, too, are adopted by the Winnebago County Board, except that Section 1000 and beyond is for Guidance that may be established, and revised as appropriate, by the ~~administrator~~ Administrator. (See Sec. 1000 for refinement.)

200 Floodplain Regulations

- 201 Introduction
 - 202 to 205 . Blank
- 206 Section 6. Preventing Increased Flood Heights and Resulting Damages
- 207 Section 7. Protecting Buildings
- 208. Section 8. Subdivision Requirements
- 209 Section 9. Public Health and Other Standards
- 210 Section 10. Carrying Capacity and Notification

201 . Introduction

These Regulations are taken directly from the ~~Illinois State Sample Model Floodplain Flood Damage Prevention Ordinance (IDNR/OWR, operating in 2006 as amended)~~¹⁵, sections 6 thru 10. Those who are familiar with this model ordinance will have little difficulty in navigating the section numbers for citation--though should note some qualifications for section 6. The standard definitions of Section 2 of the model ordinance are incorporated, ~~as amended~~ in sec. 50-248 of the Surface Water Management Ordinance. Similarly, that ordinance also contains the policy statements, administrative assignments, and legal framework that are partially unique to each jurisdiction, while maintaining the required minimum standards of 44 CFR 60.3(d).

206 . Section 6. Preventing Increased Flood Heights and Resulting Damages.

Within any floodway identified on the countywide Flood Insurance Rate Map (FIRM), and within all other floodplains where a floodway has not been delineated, ~~and are within the jurisdiction of IDNR/OWR,~~ the following standards shall apply: ~~Floodway determinations within floodplains with lesser tributary areas shall be based upon the same one-tenth of a foot (0.1 ft.) allowable stage increase consistent with base flood elevation determinations in the FIS, recognizing floodplain configurations that existed prior to November 19, 1980, and as lawfully established~~

‡

~~subsequently. Using this criteria, some of the following standards, notably A.1.a, A.1.b, A.5.a.v, and A.9.c, would apply only upon the merits of individual cases.~~

Except as provided in Section 6(B) of this regulation, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
 - The crossing ~~will not result~~shall be designed such that it will not result in an increase in water surface profile elevation in excess of 1.0 feet over the natural condition for any frequency flow up to and including the 100-year frequency flood; and
 - The crossing ~~will not result~~shall be designed such that it will not result in an increase in water surface profile elevation in excess of one half (0.5) feet over the natural condition at a point one thousand (1,000) feet upstream of the proposed structure (as determined by the horizontal projection of the maximum created head and the slope of the hydraulic grade line) for any frequency flood up to and including the 100-year frequency flood; and-
 - There are no buildings or structures in the area impacted by the increases in water surface profile.
 - For a replacement culvert or bridge crossing:
 - The crossing shall be designed so that there will be no increase in backwater over the existing conditions, or
 - The crossing shall be designed so that it complies with the water surface profile increases listed in a., b., and c.; and

¹⁵ Changes within sections 206 through 210 reflect the most recent version of the Illinois Sample Flood Damage Prevention Ordinance, updated May, 2022.

- A registered professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
 - No buildings or structures have been impacted by the backwater induced by the existing crossing; and
 - There is no record of complaints of flood damages associated with the existing crossing.
- The proposed bridge or culvert crossing, whether new or replacement, will not involve straightening, enlarging, or relocating the existing channel of the river or stream. The excavation of the channel and/or overbank necessary for the effective hydraulic performance of the culvert or bridge or removal of debris from the river or stream is not considered straightening, enlargement or relocation. Any excavation of the overbank incorporated into the design of the bridge or culvert crossing to meet the terms of 1 a-d., must include appropriate vertical and horizontal transitions. Furthermore, the bottom elevation of the overbank excavation must not be below one-half the channel depth of the stream. This depth shall be calculated at an existing cross-section of the stream within the general vicinity of the culvert or bridge which has been unaffected by man-made obstructions.
- The design must be certified by a registered professional engineer in the State of Illinois and the designs to have been designed by standard hydrologic and hydraulic engineering methods and to be in compliance with ~~must meet~~ the terms and conditions of ~~an~~ the IDNR/OWR permit/Permit and the applicable rule of the Department-; and
 - The design must be certified by a second registered professional engineer in the State of Illinois to have been reviewed and found to be in compliance with terms and conditions of the IDNR/OWR Permit.
 - The permittee shall maintain, for each project authorized by this permit, the records necessary to document compliance with the above conditions.
- Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:
 - The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
- Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4;
 - The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge (with the bridge owner's permission).
 - A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
 - No supporting towers or poles shall be located in a river, lake or stream.
 - Supporting towers including foundations, and poles shall be designed and located so as to not cause or create an obstruction of flood flows by trapping debris.
 - All disturbed areas shall be returned to pre-construction grades and immediately re-vegetated.
 - All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
- Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:

- The boat dock must not ~~extend project~~ more than fifty (50) feet into a waterway and ~~no more than in no instance greater than~~ one quarter (1/4) of the width of the waterway, and shall not extend beyond the ~~navigational limited~~navigational limits established by the ~~IDNR Department of Natural Resources~~ and ~~the~~ Corps of Engineers.
 - The width of the boat dock shall not be ~~more-greater~~ than ten (10) feet.
 - For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage, nor fifty (50) feet.
 - Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the ~~projected projection of the~~ property line.
 - Dock posts must be marked by reflective devices.
 - The boat dock must be securely anchored to prevent detachment and becoming a floating hazard during times of high ~~wind or water~~water or winds.
 - Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
 - This permit does not authorize any other related construction activity such as shore protection or fill.
 - Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
 - At-If at any future date, the Department of Natural Resources or the Corps of Engineers determines that the dock facility obstructs or impairs navigation, or in any way infringes on the rights or interests of the public or any individual party, the permittee ~~must agree~~agrees to make necessary modifications to the dock as determined

by the ~~IDNR Department of Natural Resources~~ or ~~the Corp~~Corps of Engineers.

(4) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the ~~following~~ conditions of IDNR\OWR Statewide Permit Number 6:

- the following activities (not involving fill or positive change in grade) are covered by this permit:
 - The construction of underground utility lines not crossing a lake or stream, wells, ~~or and~~ septic tanks ~~not crossing a lake or stream~~.
 - ~~ii-~~The construction of light poles, sign posts, and similar structures.

(3) The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar ~~structures~~surfaces which are built at grade.

(4) The construction of properly anchored, unwall, open structures such as playground equipment, pavilions, and carpools.

(5) The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten

(10) square feet in any dimension (e.g. animal shelters and tool sheds). Only one such building on a property ~~is shall be~~ authorized by this ~~statewide~~ permit. If such a building already exists on a property, this permit does not authorize any additional building.

~~(6) vi~~ The raising of existing buildings, provided no changes are made to the outside dimensions of the building and provided the proposed raising would not involve the placement of fill is not involved to accomplish the raising. The backfilling of an existing basement is permissible.

(7) This permit does not authorize any construction in the normal channel, i.e. below the usual overtopping or flooding elevation, of any river, lake, or stream.

(8) In the event the placement of fill material is necessary to accomplish the purpose of the project, the normal application for permit process must be followed or plans maybe submitted to the IDNR/OWR for an initial review and an appropriate determination as to whether or not this statewide permit is applicable to the project. This permit does not authorize the placement of any fill material (except for the backfilling of an existing basement as indicated previously) or positive change in grade in the floodway in conjunction with any of the activities noted in 1. through 6.

~~(6)(9)~~ If there is any question of the permissibility of any activity under this permit, the IDNR/OWR shall be contacted for a determination.

6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:

a. Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.

b. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.

c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.

d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:

a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.

b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5, 1996 State Bar Edition), shall be provided with shut-off valves on each side of the body of water to be crossed.

d. If blasting is to be utilized in the construction of the crossing, the ~~permittee~~ Permittee shall notify the ~~IDNR/OWR~~ Illinois Department of Natural Resources, Office of Resource Conservation at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.

8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:

a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban).

b. In addition to the materials listed in ~~Section 6(8)(a)~~ the above condition, other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.

c. The following materials shall **not** be used in any case: auto bodies, garbage or debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental ~~Protections~~ Protection Act (415 ILCS 5).

d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1000) feet.

e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.

f. Materials shall be placed in a way which would not cause erosion, or the accumulation of debris, on properties adjacent to or opposite the project.

g. Materials shall not be placed higher than the existing top of the bank.

h. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.

For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.

i. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.

j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.

k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:

- i. It is constructed in alignment with an existing seawall(s) or gabion structure(s), and
- ii. the volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal

foot.

l. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.

The usual types of projects which provide bank or shoreline stabilization include: riprap or other materials placed along the eroded length of the bank or shoreline, riprap or other materials placed at regular intervals into the stream from the eroded bank (bendway weirs, dikes, jetties), riprap placed along the toes of the bank (toe points), and riprap keyed into the bank at regular intervals along the stream (hard points). Other similar construction activities, although not specifically listed above, may comply with the intent of the Statewide Permit and, therefore, may be authorized by the permit. For those projects not specifically listed, however, plans must be submitted to the Illinois Department of Natural Resources, Office of Water Resources for review and an appropriate determination.

9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:

- a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
- b. The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
- c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property, ~~and~~
- d. The accessory structure or addition must not involve the placement of any fill material.
- e. No construction shall be undertaken in, or within fifty (50) feet of the bank of the stream channel.
- f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
- g. Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
- h. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.

10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:

- a. The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1000) feet.
- b. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel, and
- c. the cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and down stream of the site.
- d. Dredged or spoil material shall not be disposed of in a wetland and shall be either:
 - i. ~~removed~~ Removed from the floodway;
 - ii. ~~used~~ Used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of streambank;
 - iii. ~~used~~ Used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;

- iv. ~~used~~ Used to stabilize ~~and an~~ existing levee provided the height of the levee would not be increased nor its alignment changed;
- v. ~~placed~~ Placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or
- vi. ~~used~~ Used for beach nourishment, provided the material meets all applicable water quality standards.
- e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.

11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:

- a. A registered professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
 - i. No buildings or structures have been impacted by the backwater induced by the existing structure, and
 - ii. there is no record of complaints of flood damages associated with the existing structure.
- b. A registered professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects, the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
- c. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).
- d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, ~~channel~~ Channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
- e. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.

12. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:

- a. No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.
- b. The term "temporary" shall mean not more than one construction season. ~~All~~; all temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.
- c. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.

- d. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.
 - e. No temporary structure shall be placed within any river or stream channel until a registered professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
 - f. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.
 - g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
 - h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).

13. ~~13~~ Special uses of public waters activities shall meet the following conditions of IDNR/OWR statewide Permit Number 14:

- a. The activity must be sanctioned and authorized by the local governmental body having jurisdiction over the area within which the use is proposed to occur.
- b. If the activity requires any other state or federal (e.g., U. S. Army Corps of Engineers or U. S. Coast Guard) authorization, such authorization(s) must be obtained prior to the commencement of the activity. NOTE: Depending on the nature of the special use, additional authorization may be required from the Illinois Department of Natural Resources. For example, certain boat regattas must be approved by the Office of Law Enforcement.
- c. No use or activity shall be considered authorized by this permit in excess of seven consecutive days.
- d. No use or activity shall be considered authorized by this permit in excess of two times in any one-year period.
- e. If at any time the Department of Natural Resources determines that the activity obstructs or impairs navigation, or unnecessarily infringes on the rights or interests of the public or any individual party, the permittee agrees to modify the activity as directed by the Department of Natural Resources.
- f. No signs, ropes, etc. used in conjunction with the special sue shall be placed or left in any public water area in a way which would create or result in a hazard to boating traffic. All such apparatus shall be removed from the water immediately upon conclusion of the event.

Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

B. Other development activities not listed in 6(A) may be permitted only if:

- 1. permit has been issued for the work by in an IDNR/OWR Jurisdictional Streams by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
- 2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation (BFE).~~207~~

207 . Section 7. Protecting Buildings.

A. In addition to the damage prevention requirements of 206 Section 6 of this regulation, all buildings located in the floodplain shall be protected from flood damage below the flood

protection elevation (FPE). This building protection requirement applies to the following situations:

1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
2. Value of improvements equals or exceeds the market value by fifty percent (50%) ~~Substantial improvements~~ or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) ~~or equal or exceed the market value by fifty percent (50%)~~. Alteration-Improvements shall be figured cumulatively during the life of the building. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
4. Installing a manufactured home on a new site or a new manufactured home on an existing site. ~~(The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).~~¹⁶
5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
6. Repetitive loss to an existing building as defined in Section 2 ~~(CC)~~.
- 6-7. Construction or placement of a new building or alteration or addition to an existing building with the low floor below BFE following a LOMR-F in accordance with the conditions outlined in Section 9 E.

B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in with the lowest floor including basement at or above the FPE accordance with the following conditions:
 - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
 - b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ~~ten-twenty~~ (10-20) feet beyond the foundation before sloping below the flood protection elevation in lieu of a geotechnical report.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, ~~and~~
 - e. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
2. The building may be elevated on solid walls in accordance with the following:
 - a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.

¹⁶ This language is not recommended for inclusion in the Illinois Sample Flood Damage Prevention ordinance.

~~a.b.~~ All components located below the flood protection elevation shall be constructed of materials resistant to flood damage.

~~b.c.~~ The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

~~e.d.~~ If walls are used, all enclosed areas below the flood protection elevation shall ~~address~~ provide for equalization of hydrostatic pressures by allowing the automatic entry and exit of flood waters. At least two (2) walls must have a minimum of one (1) permanent opening that is below the BFE and no more than one (1) foot above finished grade. Designs must either be certified by a registered professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, or the design must be certified by a Registered P.E., as proving the equivalent performance in accordance with accepted standards of practice. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance. ~~and~~

~~d.e.~~ ~~the~~ The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.

~~i.~~ ~~All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.~~

~~ii.~~ Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

~~iii.~~ The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, ~~or.~~

~~iv.iii. in-~~ In lieu of the above criteria, the design methods to comply with these requirements may be certified by a ~~registered-licensed~~ professional engineer or architect.

3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions and requirements of FEMA TB 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, which ever are more restrictive, are met:

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. ~~Any-All~~ enclosed ~~area-areas~~ below the flood protection elevation shall ~~have openings that provide for equalize~~ equalization of hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one (1) permanent opening shall be provided on each at least two wall-walls that is below the BFE and no more than one (1) foot above finished grade. The openings shall provide having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area subject to flooding below the BFE, or the design must be certified by a Registered P.E. as providing the equivalent performance in accordance with accepted standards of practice. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance. ~~The openings shall be no more than one (1) foot above grade.~~
- c. ~~The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.~~

- ~~d.c.~~ The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
- ~~e.d.~~ An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
- ~~f.e.~~ Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
- ~~g.f.~~ ~~utility~~ Utility systems within the crawlspace must be elevated above the flood protection elevation.

C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a ~~registered-licensed~~ professional engineer or architect certifies that:

1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

D. ~~Manufactured-Mobile~~ homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and
2. ~~anchored~~ Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code §870.

E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:

1. The vehicle must be either self-propelled or towable by a light duty truck.
2. The hitch must remain on the vehicle at all times.
3. The vehicle must not be attached to external structures such as decks and porches
4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
5. The ~~vehicles-vehicle largest horizontal projections must be no larger than~~ must have a total area not exceeding four hundred (400) square feet when measured at the largest horizontal projection.
6. The vehicle's wheels must remain on axles and inflated.
7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
8. Propane tanks as well as electrical and sewage connections must be quick-disconnect ~~and above the 100-year flood elevation~~.
9. The vehicle must be licensed and titled as a recreational vehicle or park model, and must either:
 - a. entirely be supported by jacks, or

b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.

F. ~~Garages, sheds or other minor~~Detached accessory structures ~~constructed ancillary to an existing residential use~~ may be permitted provided the following conditions are met:

1. The ~~garage or shed~~ structure must be non-habitable.
2. The ~~garage or shed~~structure must be used only for the parking and storage of vehicles and tools and cannot be modified later into another use.
3. The ~~garage or shed~~structure must be located outside of the floodway or have the appropriate county, state and/or federal permits.
4. The ~~garage or shed~~structure must be on a single family lot and be accessory to an existing principle structure on the same lot.
5. The exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) ~~Below below~~ the base flood elevation, ~~the garage or shed~~ must be built of with flood-resistant materials not susceptible to flood damage in accordance with Section 7.
6. All utilities, ~~plumbing, heating, air conditioning~~mechanical, and electrical must be elevated above the flood protection elevation.
7. The ~~garage or shed~~structure must have at least one permanent opening on each at least two wall walls not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
8. ~~The garage or shed must be less than ten thousand dollars (\$10,000) in market value or replacement cost whichever is greater or less than five hundred (500) square feet. The structure must be no more than one story in height and no more than six hundred (600) square feet in size.~~
9. The structure shall be anchored to resist floatation, collapse, lateral movement, and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

208 . Section 8. Subdivision Requirements

The ~~county~~County Board shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

A. New subdivisions, manufactured home parks, mobile home parks annexation agreements, planned unit developments, and additions to manufactured home parks, mobile home parks, and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this regulation.

B. Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains should be included within parks, open space parcels, or other public grounds.

A.C. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
2. ~~the~~The boundary of the floodway when applicable, ~~and~~.
3. ~~a~~A signed statement by a ~~Registered-Licensed~~ Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 2052).

~~Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.~~

209 . Section 9. Public Health and Other Standards

A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this regulation the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.

2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

~~5.—Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.~~

Critical facilities, which are buildings, constructed or substantially improved within the floodplain or the 0.2 percent annual chance flood elevation when defined, shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 0.2 percent annual chance flood elevation, or three feet above the BFE, whichever is greater. Adequate parking shall be provided for staffing of the critical facilities at or above the BFE or 0.2 percent chance flood, when defined. Access routes to all critical facilities should be reviewed and considered when permitting. Access routes should be elevated to or above the level of the BFE.

Floodproofing and sealing measures may also be used to provide protection, as described in Section 7, and must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Critical Facilities included emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes, and senior care facilities.

Critical Facility means any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

C. Dams are classified as to their size and their hazard/damage potential in the event of failure. Permits for dams may be required from IDNR/OWR. Contact IDNR/OWR to determine if a permit is required. If a permit is required, a permit application must be made to IDNR/OWR prior to the construction or major modification of jurisdictional dams.

D. Letters of Map Revision. The Administrator shall require a CLOMR prior to issuance of a development permit for:

1. Proposed floodway encroachments that will cause an increase in the BFE; and
2. Proposed development which will increase the BFE by more than 0.1 feet in riverine area where FEMA has provided a BFE but no floodway.

Once a CLOMR has been issued, the development permit may be issued for site grading and structures necessary in the area of the map change to achieve the final LOMR. Upon completion, the applicant shall submit as-built certifications, as required by FEMA, to achieve a final LOMR prior to the release of final development permits. Review Section 9E for the construction of buildings in any floodplain issued a LOMR Based on Fill.

- E.** When construction of a building following a LOMR Based on Fill is requested, the condition where a site in the floodplain is removed due to the use of fill to elevate the site above the BFE, the applicant may not apply for a permit from the County to construct the lowest floor of a building below the BFE in the floodplain.

210 . Section 10. Carrying Capacity and Notification.

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the County shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

300 . Stormwater Detention Regulations

301. Exclusions

- 302 .maximum controlled stormwater runoff release rate
- 303 . stormwater storage methods
- 304 . Calculations of required stormwater storage
- 305 . Applications for building permits

This section contains the text of **Sec. 50-258. Stormwater detention regulations** of the Natural Hazard Ordinance which are ~~moved to this regulation unamended with the adoption~~ adopted as of the Winnebago County Surface Water Management Ordinance, as amended, herein. Its requirements follow:

Developments and impacted areas which increase the amount of impermeable area, such as the construction of roof structures, paved areas or compacted areas, shall be subject to the terms of this article. This section is amended to include Illinois State Water Survey Bulletin 75 that provides frequency estimates and their time distributions.¹⁷

301 (1) The following, however, shall not be included:

- a. Traditional agricultural uses.
- b. The construction of single-family dwellings on lots or parcels of land which were of record prior to ~~June 24, 1982.~~ August 12, 1976.
- c. Modification of single-family dwellings which will continue to be used as single-family dwellings.
- d. The use of lands adjacent and contiguous to and which discharge directly into the Rock, Pecatonica, Sugar, or Kishwaukee Rivers.
- e. Improvement of existing roadways which does not increase the number of traffic lanes in the typical cross section of the roadway.
- f. The cumulative increase of impervious area does not exceed 25,000 square feet as of the establishment of the original Surface Water Management Ordinance on August 24, 2006.

1. Developments and impacted areas with less than 25,000 square feet of cumulative impervious area shall be required to provide best management practices (BMP) for stormwater management as determined by the Administrator.

302 (2) The maximum controlled stormwater runoff release rate shall not exceed the natural safe stormwater drainage capacity of the downstream system, which has been found to be 0.2 cubic feet per second, per acre in the county. Pipe outlets of less than 12 inches in diameter shall not be allowed. Multiple outlets from a stormwater storage area shall be avoided if they are designed to be less than 12 inches in diameter. Removable orifice plates shall be employed when these pipe size requirements cannot be met.¹⁸

303 (3) When the maximum controlled stormwater runoff release rate shall be exceeded, any or all of the following stormwater storage methods shall be provided and constructed:

- a. *Dry bottom stormwater storage.* The following is the dry bottom stormwater storage method:
 - 1. Dry bottom stormwater storage areas must be designed to serve a secondary purpose for recreation, open space or similar type of use, which will not be adversely affected by occasional intermittent flooding.
 - 2. The combination of storage of major floodwater runoff from a 100-year return frequency storm and the allowable release rate shall not result in a storage duration in excess of 48 hours.

¹⁷ Illinois State Water Survey Bulletin 75 provides frequency estimates and their time distributions that supersede those published in ISWS Bulletin 70 (1989), Circular 172, and Circular 173.

¹⁸ No amendment to the release rate.

3. Minimum grades for turf areas shall be 0.5 percent (200 units horizontal to one vertical) and maximum side slopes shall be 25 percent (four units horizontal to one unit vertical). Storage area side slopes shall follow the natural land contours as closely as practicable, and a minimum of earth excavation shall be used to create the storage facility.

4. Temporary seeding or other soil stabilization measures shall be established in the stormwater storage area and major floodwater passageway immediately following the construction or reconstruction of these areas. During the construction of the overall development, it is recognized that a limited amount of sediment buildup may occur in the stormwater storage area due to erosion. In no case shall the volume of the storage area be reduced to less than three-quarters of the required volume during the construction phase of the development.

5. Permanent erosion control measures such as mulching, hydroseeding, conventional seeding, nurse crops, fertilizing or sod installation shall be utilized to control soil movement and erosion within the storage area and major floodwater passageway. These measures shall meet or exceed the standards established by the county soil and water conservation district. The installation of these permanent measures shall take place only after the majority of construction and other silt- and sediment-producing activities have been completed. Prior to the establishment of the permanent erosion control measures, the required capacity of the stormwater storage area and the excess stormwater passageway shall be restored.

6. The control structure shall be provided with an interceptor for trash and debris, and it shall be designed and constructed to prevent soil erosion and not to require manual adjustments for its proper operation. An inlet design that will produce turbulent flow conditions during any portion of the stormwater storage cycle will not be acceptable.

7. Adequate impact stilling basins shall be provided to ensure that downstream soil erosion is alleviated and the regime of the downstream drainage facility is not disturbed.

8. Each stormwater storage area shall be provided with a method of overflow in the event a storm in excess of the design capacity occurs. This overflow facility shall be constructed to function without specific attention and can become a part of the excess stormwater passageway described in this section.

9. The entire stormwater storage area shall be designed and constructed to fully protect the public health, safety and welfare. If a condition occurs in the stormwater storage area which is hazardous to the public health, safety or welfare, the person responsible for the condition will be required to provide approved corrective measures. If these corrective measures are not provided, the county may eliminate the hazard at the expense of the person responsible.

10. Low flow conduits or channels shall be provided in stormwater storage areas. These conduits or channels shall be so constructed that they will not interfere with the secondary usage of the storage area and will reduce the frequency of time that the storage area will be covered with water.

b. *Wet bottom stormwater storage.* Wet bottom stormwater storage areas shall be designed in compliance with all the regulations which are applicable and govern the construction of dry bottom stormwater storage areas. The following additional regulations shall apply:

1. The water surface area of the permanent pool shall not exceed one-tenth of the area of the tributary watershed.

2. Protection of the shoreline must be provided to alleviate soil erosion due to wave action.

3. Minimum normal water depth shall be four feet. If fish are to be used to keep the pond clean, at least one-quarter of the pond area shall be a minimum of ten feet deep.

4. Facilities shall be provided to lower the pond elevation by gravity floor for cleaning purposes and shoreline maintenance.

5. The control structure for stormwater release shall be designed to operate at full design release rate with only a minor increase in the water depth in order to minimize the land surface wetted by frequent minor stormwater runoff conditions.

6. Measures shall be included in the design to prevent pond stagnation. This may be accomplished by fountain aeration or some other method used to ensure aerobic pond conditions.

7. The volume of water permanently stored shall not be considered to be part of the required excess stormwater storage volume.

c. *Paved stormwater storage.* Design and construction of the pavement base must ensure that there is no pavement damage due to flooding. Control structures in paved areas must be readily accessible for maintenance and cleaning. Vortex control devices will be required.

d. *Rooftop stormwater storage.* Rooftop storage of excess stormwater shall be designed and constructed to provide permanent control inlets and parapet walls to contain excess stormwater. Adequate structural roof design must be provided to ensure that roof deflection does not occur which could cause the roofing material to fail and result in leakage. Overflow areas must be provided to ensure that the weight of stored stormwater will never exceed the structural capacity of the roof.

e. *Automobile parking stormwater storage areas.* Automobile parking facilities used to store excess stormwater must be constructed having a maximum depth of stored stormwater of 1.5 feet; and these areas shall be located in the most remote, least used areas of the parking facility.

f. *Underground stormwater storage.* Underground stormwater storage facilities must be designed for easy access in order to remove accumulated sediment and debris. These facilities must be provided with a positive gravity outlet.

304 (4) Calculations of required stormwater storage shall be made as follows:

a. Any generally recognized and substantiated method acceptable to the ~~administrator~~ Administrator may be used for these calculations. The release rate of the outlet structure, when half of the storage area is filled, may be used in lieu of routing techniques in small drainage areas. The control structure shall be designed to maintain as uniform a flow as possible, independent of the stormwater storage volume. Where the proposed structure, project or land development forms only a portion of a watershed or contains portions of several watersheds, the storage volume calculations shall be based upon the area of the entire project, development or land use change. The maximum release rate shall be established by multiplying the total acreage of the tributary watershed by 0.2 cubic foot per second, per acre.

b. Stormwater storage areas which will be filled to capacity by high-frequency storms shall be designed in a manner that will protect immediate downstream properties, and all overflow structures shall be designed to function properly and effectively without the necessity of making manual adjustments. A larger outlet for stormwater storage may be permitted by the ~~administrator~~ Administrator for the orderly management of stormwater runoff where large tributary areas are developed without detention.

c. If the orderly management of the stormwater runoff cannot be achieved by passing the entire tributary area runoff through the stormwater storage area, the stormwater storage area shall be constructed to exclude the runoff from the tributary area originating outside of the area to be developed.

305 (5) Applications for building permits shall require the following:

a. Stormwater detention facilities shall be designed by and their construction supervised by a registered professional engineer.

b. Compliance with this section shall be as provided for in section 50-~~256~~255. In addition, the following shall be required by the ~~administrator~~ Administrator:

1. Upon completion of construction, a set of record drawings certified by a registered professional engineer; and

2. An estimated schedule of development phases.

c. All applications for building permits shall contain a statement that such buildings or structures and appurtenances connected therewith include facilities for the orderly runoff or retention of rain and melting snow. Plans submitted with the application shall include a signed statement issued by a state registered professional engineer that the plans include facilities adequate to prevent harmful runoff. For single-family dwellings to be located in a subdivision

meeting the requirements of this article, the signed statement may, in lieu of other application requirements, be placed on the face of the final plat.

d. When compliance with the stormwater detention requirements of this article will result in a facility, the volume of which is 0.3 acre-feet or less, the ~~administrator~~ Administrator may waive the requirement for that specific facility.

400 . Post Construction Runoff Quantity Controls

In principle, development plans should minimize those characteristics that result in the increase of stormwater runoff. The amount of impervious cover should be the minimum practical to meet the requirements of building, zoning, and subdivision regulations, those of the County and township highway authorities, and such other regulations as govern development activities.

401: Stormwater Detention is a control currently required by county ordinance. It is recognized that the controlled release rate referred to in these requirements (sec 304) is release to surface water. Some additional loss of inflow to a stormwater detention facility may be provided by some subsurface infiltration technique. The required detention volume can be reduced by such loss provided that:

401.1 the loss is based on a conservative estimate of the long term infiltration rate of the soil strata to which infiltration is intended. This analysis shall include conditions of saturated or frozen strata and the probable location of groundwater levels;

401.2 additional inspection and certification is guaranteed during the installation process so that the qualifying soil strata is confirmed in place; and that it is not clogged with fine material nor compacted by construction operations;

401.3 there is an acceptable maintenance plan for operation of the infiltration technique;

401.4 complete failure of the infiltion system does not result in flood hazard within the development or to adjacent properties;

401.5 an acceptable plan for restoration of the maximum controlled release rate is provided for the case of substantial or complete failure of the infiltration system; and

401.6 the prevention of groundwater contamination is reasonably assured.

402: Shallow depressional storage volumes, below a surface gravity outlet, cannot be used to partly or completely replace required stormwater detention storage volumes. Their benefit accrues largely to water quality: capturing small storm events, and filled with water and sediments prior to a major runoff event.

500 . reserved

600 . Construction Site Erosion and Sediment Control

605 . Sec. 5 General Principles

608 . Sec. 8 Erosion and Sediment
Control Plan. 609 - 612 blank

613 . Sec. 13 Site design
requirements. 614 . Sec.

14 Inspection.

615 . Sec. 15

Retention of plans.

616 . Sec. 16

Special precautions.

620 . Summary of Erosion and Sediment Control Requirements

This section contains the text of Sections 5, 8, 13 to 16, and summary of the model **Construction Site Erosion and Sediment Control Ordinance**, drafted and put through public review by the Winnebago County Association for Clean Water Action, WinACWA, 2004; and customized for county government to meet its requirements under NPDES Phase II.

605 . Sec. 5 General Principles.

It is the objective of these regulations to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the County of Winnebago. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not transported from the site by wind erosion or a storm event of ten-year frequency or less. The following principles shall apply to all development activities within the County of Winnebago and to the preparation of the submissions required under Sections 8 and 9 of this ordinance:

(a) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and existing contours should be followed as closely as possible.

(b) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to existing watercourses, lakes, ponds, and wetlands should be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

(c) Special precautions should be taken to prevent damages that occur due to any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventative measures must be commensurate with the sensitivity of these areas to erosion and sedimentation.

(d) The smallest practical area of disturbance should be exposed for the shortest practical time during development.

(e) Sediment basins or traps, filter barriers, diversions, and any other appropriated sediment or runoff control measures should be installed prior to site clearing and grading and maintained to control and remove sediment from run-off waters from land undergoing development.

(f) The selection of erosion and sedimentation control measures should be based on site limitations, project duration, and other factors to provide the necessary site protection during the construction development activity.

(g) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance shall be considered.

(h) Permanent vegetation and runoff control structures shall be installed and functional as soon as practical during development.

(i) All waste generated as a result of site development activity shall be properly disposed of and should be prevented from being carried off the site by either wind, water, or artificial means.

(j) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.

608 . Sec. 8 Erosion and Sediment Control Plan.

The Owners of the property or his/her authorized designee shall prepare and submit an **Erosion and Sediment Control Plan** (Plan) to the County of Winnebago at the time of proposed land disturbing activities. These submissions shall be prepared in accordance with the requirements of this Article and the standards and requirements contained in the NPDES Permit No. ILR10 prepared by the Illinois Environmental Protection Agency and the Illinois Urban Manual prepared by the ~~Natural Resources Conservation Service~~ **members of the Illinois Urban Manual Technical Review Committee and Steering Committee**, and adopted by the ~~Boone and~~ Winnebago County Soil and Water Conservation District, which standards and requirements are hereby incorporated into this ordinance by reference. General guidance can be found in the *Illinois Urban Manual* under the section, ~~**Storm Water Management For Construction Activities , Developing Pollution Prevention Plans and Best Management Practices**~~ **Non-point Source Pollution Control Processes and Planning Principles**. Each plan shall contain the following information:

(a) The name(s) address(es) and telephone number(s) of the owner or [and] developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principle contact at such firm.

The owner must sign a copy of the certification statement. The certification must be included in the plan:

"I certify under penalty of law that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment of knowing violations."

(b) The name, address and telephone number of the general contractor(s) that have been identified at the time of the submittal. Identify the contractor(s) or subcontractor(s) implementing each measure of the plan. All contractor(s) and subcontractor(s) identified in the plan must sign a copy of the certification statement. All certifications must be included in the plan except for owners acting as contractor(s).

"I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit No. ILR10 and [Chapter 78], Erosion and Sediment Control ordinance that authorizes the storm water discharges associated with the construction activities and site identified as part of this certification."

(c) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning, and a legend and scale;

(d) A development plan of the site showing:

(1) Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two-foot contour intervals and clearly portraying the conformation and drainage pattern of the area.

(2) The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or man-made features on the site and adjacent land within 100 feet of the boundary.

(3) A general description of the predominant soil types on the site, their location, and their limitations for the proposed use.

(4) Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation, and filling; finished grades, and street profiles; provisions of storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed.

(e) Erosion and sediment controls showing all measures necessary to meet the objectives of this ordinance throughout all phases of construction and permanently after completion of development of the site, including:

(1) Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details.

(2) Plans should ensure existing vegetation is preserved where attainable and disturbed portions of the site are stabilized. Stabilization practices may include, but not limited to: temporary seeding, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.

a. Stabilization measures will be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.

b. Where construction activity will resume on a portion of the site within 14 days from when activity ceased, (i.e. the total time period that construction activity is temporarily ceased is less than 14 days) then stabilization measures have to be initiated on that portion of the site within one (1) working day and completed as soon as possible, but not later than 14 calendar days from the initiation of stabilization in the work area.

~~b.c.~~ Where the initiation of stabilization measures by the 14th- calendar day after construction activity temporary or permanently snow cover precludes ease, stabilization measures shall be initiated as soon as practicable.

~~c.—Where construction activity will resume on a portion of the site within 21 days from when activity ceased, (i.e. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of the site by the 14th day after construction activity temporarily ceased.~~

(3) Location and description of all runoff control measures, including diversions, waterways, and outlets.

- (4) Location and description of methods to prevent tracking of sediment offsite, including construction entrance details, as appropriate.
- (5) Description of dust and traffic control measures.
- (6) Locations of stockpiles and description of stabilization methods.
- (7) Description of off-site fill or borrow volumes, locations, and methods of stabilization.
- (8) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.

(f) The proposed phasing of development of the site, including stripping and clearing, rough grading and landscaping. Phasing should identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the County of Winnebago of any significant changes that occur in the site development schedule after the initial erosion and sediment control plan has been approved;

- (g) A copy of the completed Notice of Intent (NOI) required by the Illinois Environmental Protection Agency.
- (h) A copy of the completed Illinois Department of Natural Resources Consultation Agency Action Report.

609 - 612 blank

613 . Sec. 13 Site design requirements.

On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavation, or fill activities on the site.

(a) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:

1. Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.

2. The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be restabilized within 48 hours after channel disturbance is completed, interrupted, or stopped.

3. Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.

(b) Sediment traps or anchored filter barriers meeting accepted design standards and specifications outlined in the Illinois Urban Manual shall protect storm sewer inlets and culverts.

(c) Soil storage piles containing more than 10 cubic yards of material shall not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.

(d) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.

(e) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas a minimum of ~~fifty-seventy (70)~~ feet long and ~~12-fourteen (14)~~ feet wide to prevent [minimize] sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

(f) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(g) All temporary erosion and sediment control measures shall be disposed of within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

614 . Sec. 14 Inspection.

The ~~inspector~~Administrator shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant wherein the work fails to comply with the erosion and sedimentation control plans as approved. In order to obtain inspections and to ensure compliance with the approved erosion and sediment control plan and this ordinance, the applicant shall notify the ~~inspector~~Administrator within two (2) working days of the completion of the construction stages specified below:

(a) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading,

~~(b)~~ After stripping and clearing,

~~(c)~~ After rough grading,

~~(b)(d)~~ After final grading,

~~(e)(e)~~ After seeding and landscaping deadlines, and

~~(d)(f)~~ After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the applicant shall give notice and request inspection at the completion of each of the above work states in each phase or area.

The County of Winnebago shall also reserve the right to inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall.

615 . Sec. 15 Retention of plans.

The applicant shall retain copies of plans and all reports for a period of at least three (3) years from the date the site is finally stabilized. The applicant shall also retain a copy of the plan at the construction site from the date of project initiation to the date of final stabilization.

616 . Sec. 16 Special precautions.

(a) If at any stage of the grading of any development site the ~~inspector~~Administrator determines by inspection that the nature of the site is such that further work authorized by an existing building permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the ~~inspector~~Administrator may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. Special precautions may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

(b) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the applicant may be required to install temporary structures of take such other measures to protect adjoining property or the public safety.

(c) Major amendments of the erosion and sediment control plan shall be submitted to the County of Winnebago and shall be processed and approved or disapproved in the same manner as the original plans. The County of Winnebago may authorize field modifications of a minor nature by written authorization to the applicant.

**County of Winnebago
SUMMARY OF THE NEW EROSION AND SEDIMENT
CONTROL ORDINANCE**

Purpose of this document:

- 1. To give contractors, developers, and consultants warning that Winnebago County is implementing a comprehensive erosion and sediment control ordinance
- 2. This ordinance will prepare developments for the most current NPDES Phase II requirements, ~~which took effect March 2003~~ (March, 2023 or newer).

Main principals of this comprehensive erosion and sediment

- control ordinance:**
- 1. Design developments to fit existing topography and natural drainage patterns
 - 2. Protect natural vegetation on site
 - 3. Prevent sediment from entering adjacent watercourses
 - 4. Reduce the exposure of disturbed soil
 - 5. Methods of different erosion control structures and practices
 - 6. Continue maintenance of control structures and establish permanent vegetation
 - 7. Dispose of waste generated from site development activity
 - 8. Reduce storm water runoff velocities

9.Prevent sediment on roadways

This comprehensive erosion and sediment control ordinance applies to:

- 1.NPDES Phase II projects after March 2003 (development activity affecting an area greater than or equal to 1 acre)
- 2.Any land disturbing activity that may discharge soil and erosion into any storm water conveyance system
- 3.If development activity is determined to be causing or contributing to existing or potential new erosion of sediment or impacting the storm water conveyance system

All erosion and sediment control plans, contained within the ordinance, will require the following:

- 1.Certification Sec. 8.a signed by owner and engineer. Must include principal contact with address and phone number.
- 2.Certification Sec. 8b signed by contractor for all NPDES permit projects (contractor may sign the approved erosion and sediment control plan if the project is not under a NPDES permit)
- 3.Vicinity map of the project
- 4.A development plan showing:
 - i.Existing topography
 - ii.Location of existing structures, buildings, and waterbodies, etc.
 - iii.Predominant soil types
 - iv. Proposed use of the site
 - v.Appropriate erosion and sediment controls
 - a.Silt fence, sediment basins and traps, earth dikes, drainage swales, check dams, storm drain inlet protection, rock outlet protection, risers, etc.
 - b.Construction entrances
 - c.Stabilization (needs to be implemented within 14 days once construction stops) i.e. temporary seeding, permanent seeding, geotextiles, and sod

Inspection/Enforcement:

- 1.The principle contact must observe construction to assure the project is following the approved erosion and sediment control plan
- 2.The [inspector] shall make regular inspections
- 3.The County of Winnebago may require special precautions beyond the approved erosion and sediment control plan
- 4.The County of Winnebago will verbally warn the principal contact that an erosion and sediment control plan is not being followed or a “special precaution” is needed
- 5.If no action is taken after 3 days of the verbal warning, the County of Winnebago will warn in writing the principal contact of the violation or of the “special precaution”
- 6.If no action is taken after 3 days of the written warning, a stop-work order will be issued.

Violations and Penalties:

- 1.A Certificate of Occupancy permit will not be granted
- 2.Fine of not more than \$500.00 for each offense

700 Post Construction Runoff Quality Controls

The County encourages developments that incorporate post construction runoff quality controls (PCRQC's) beneficial to water quality. ~~However~~However, the county has not established means to measure or estimate pollutant loads or rates characteristic of development types nor standards to assess the compliance of outflows. Until the adoption of Total Maximum Daily Loads, or some

other design and performance goals, any specific PCRQC's will not be required. But their presence shall be included and described (including maintenance provisions) in the proposed site development plan, with the following provisos:

- 701.1** they are part of the stormwater conveyance system, covered elsewhere in this regulation, **701.2** when included in the public rights of way, they must be approved by the appropriate road jurisdiction, **701.3** they must not create a nuisance or hazard; and to avoid that perception, the developer shall inform prospective buyers of their existence and operation,
- 401.4** the prevention of groundwater contamination is reasonably assured.

{Low Impact Development Principles: grass swales vs. curb and gutter and storm sewers, }

Notwithstanding the conditions for wet- and dry-bottomed stormwater storage areas in Sec ~~400~~300, the freeboard above a surface water release structure may be used to meet stormwater detention volume requirements.

800 . reserved

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999 End of Technical Regulations Adopted by Winnebago County Board

1000 . Surface Water Management Guidance

Under Sec. 50-249, Administration of the Surface Water Management Ordinance is the responsibility of the ~~administrator~~Administrator, who has the duty to review plans for developments governed by the ordinance; and the authority to approve or deny permits, or find implementations in violation. In this capacity, the ~~administrator~~Administrator must exercise sound engineering judgment in areas which go beyond even the detail of the Surface Water Management Technical Regulations. A Surface Water Management Technical Guidance is created as an administrative tool for such areas. Such areas are, for example:

1000.1: Surface water hydraulics and hydrology. Specifically, what techniques, data, coefficients, computer programs, etc. may or may not be acceptable under the circumstances of a given development to adequately estimate the design flow rates for the specified recurrence interval; and then what methods and assumptions could be used to evaluate the capacity of the receiving conveyance system, or

1000.2: Pollutant type and removal rate. Possibly, what pond configuration, filtration media, and/or chemical additives can be expected achieve what pollutant removal rate, operating at what maintenance cycle, with inputs of some volume and contamination level, to meet any future TMDL requirement.

1001: To maintain proficiency in reviewing plans and implementations, the ~~administrator~~Administrator needs to maintain a knowledge base of proven, scientifically acceptable technology, both analytical and physical; and

1002: Be open to new technologies as they are proven; and

1003: Share that knowledge with applicants.

1010: This guidance may be called by reference, or it can be appended to the Technical Regulations, as herein, for ease of distribution.

1100 . General Guidance

1101: The Illinois Department of Transportation Drainage Manual is recognized as a good reference, both for general techniques and local conditions. One should note the ISWS Bulletin¹⁹ 70-75 Rainfalls are in the Appendix as well as Huff rainfall distributions. It can be downloaded from the ~~IDOT~~ University of Illinois Library website.

~~https://www.ideals.illinois.edu/items/114209~~ <https://www.dot.il.gov/bridges/manuals.html>

(The Drainage Manual is 47,812 kb in .pdf format. Be prepared! The Bridge Office maintains a number of other manuals from this site, also.)

1102: The appropriate BMP for a parcel will be based on existing watershed plans within Winnebago County. Watershed plans can be found at the Winnebago County website:

<https://wincoil.gov/departments/highway-department/programs-and-information?highlight=WyJ3YXRlcnoZWQiXQ==>

1200 . Guidance re: Floodplain Regulations

1206: The SWMO acknowledges Statewide Permits issued by IDNR/OWR and the County reserves the discretion to use them as indicators of compliance, but does not adopt them as blanket exemptions outside SFHA's.

IDNR/OWR's threshold of regulation is a drainage area of at least 1 square mile. Winnebago County uses floodway regulations on as small as 5 acres, and defines floodways the same way they are determined in floodplain mapping: i.e. encroachment is defined as 0.1 foot stage increase over 'existing' conditions. This is inconsistent with SWP#2. Also 500 s.f. Accessory Structures under SWP#10 would not be appropriate in a 20 foot wide drainage easement. Being more restrictive is consistent with 44 CFR 60.3(d) as minimum requirements.

1300 . Guidance re: Stormwater Detention Regulations

1304: The first sentence of paragraph a has been deleted from the original ordinance. Using "shall be...", had been in conflict with the following 2 sentences. It refers to a methodology (modified rational method) that would only be generally recognized for a small drainage area, where "may be..." is operational. The Technical Guidance reflects on this, and the routing techniques mentioned.

The Technical Regulations refer to "routing techniques" for all but "small drainage areas". Operationally, this means insignificant, not only in size but location in the context of current and future development in the drainage basin. Some urban and urbanizing jurisdictions (eg. Kane Co., which the City of Rockford may emulate in this respect) are requiring the 100-year, 24-hour duration rain, with AMC 2, be routed. The Department is currently open to arguments based on merit for any method, but one should expect that consistency with methods used by an adjacent jurisdiction will carry some weight.

1400 . Post Construction Runoff Quantity Controls

1401: The ~~administrator's~~ Administrator's concern is that a soil absorption system relies on conditions which cannot be observed directly. There are possibilities that a poorly envisioned or

¹⁹ Illinois State Water Survey Bulletin 75 provides frequency estimates and their time distributions that supersede those published in ISWS Bulletin 70 (1989), Circular 172, and Circular 173.

constructed soil absorption system will not function as its design analysis assumes from the day it is installed. More likely, over time, its performance will be degraded by the accumulation of fine particles or debris. The problem is that a system that operates properly in low-flow conditions, which are seldom a problem with flooding, wouldn't reveal a failure until stressed by high flows, precisely when flood control is needed. On the other hand, a system might work too well, if contaminants are present and not intercepted in some way. For example, direct runoff from a gas station should not be drained directly to a drywell, due to the ordinary accumulation of gas and oil drips, and possibility of more disastrous spills.

{Article IV of the Winnebago County Code is amended May 23, 2024, to read as follows}

ARTICLE IV. SURFACE WATER MANAGEMENT

Sec. 50-246. Title.

This article shall be known, cited and referenced to as the “Surface Water Management Ordinance”.

Sec. 50-247. Purpose and scope of article.

The purpose of this article is to establish regulations for unincorporated areas of the county that reasonably manage adverse effects to and by surface water to impacted areas and new development, occurring on or after the effective date of this ordinance (August 24, 2006), as amended. Specifically, potential surface water effects are:

(a) Flooding. Flooding is addressed by:

- (1) Regulating Development in Floodplain Areas. This title refers to the **Illinois Sample Flood Damage Prevention Ordinance (IDNR/OWR, as amended)**, the technical portions of which are Sections 6, 7, 8, 9, and 10. These sections, as adjusted to reflect county recognition of Flood Hazard Areas in addition to FEMA's Special Flood Hazard Areas, are hereby included in the Technical Regulations. Besides the public interest in reducing flood damages, the purpose of these requirements is to comply with Federal Regulations (Paragraph 60.3(d) of 44 CFR 59-60), in order for Winnebago County to remain in good standing with the National Flood Insurance Program.

- a. Developments shall be regulated in accordance with the base flood standard, which is indicated in the definition of *Floodplain* in the following section 50-248. Also see the definitions of Development and especially Substantial Improvement which enumerates exceptions.

- (2) Stormwater Detention Regulations. These regulations address escalation in flooding within new Developments and/or impacted areas, which increase the amount of impervious surface. The maximum controlled stormwater runoff release rate shall not exceed the natural safe stormwater drainage capacity of the downstream system, which has been found to be 0.2 cubic feet per second, per acre in the county. Details of compliance with this requirement are hereby incorporated in the Technical Regulations.

- a. The following, however, shall not be included:

- a. Traditional agricultural uses.
 - b. The construction of single-family dwellings on lots or parcels of land which were of record prior to June 24, 1982.
 - c. Modification of single-family dwellings which will continue to be used as single-family dwellings.
 - d. The use of lands adjacent and contiguous to and which discharge directly into the Rock, Pecatonica, Sugar, or Kishwaukee Rivers.
 - e. Improvement of existing roadways which does not increase the number of traffic lanes in the typical cross section of the roadway.

- (3) Post Construction Runoff Quantity Controls. These are controls, like Stormwater Detention, that address the increased runoff associated with many types of development, but are more commonly associated with terms such as Low Impact Development and 'Green' Communities. Post Construction Runoff Control is a Best Management Practice (BMP) required of the County by the National Pollutant Discharge Elimination System (NPDES), Phase II. Allowances for such controls are hereby incorporated in the Technical Regulations.

(b) Water quality degradation. This degradation, often called pollution, is addressed by:

- (1) Construction Site Erosion and Sediment Control. These controls apply to any Land Disturbing Activity (see definition) with the intent that the transport of sediment via wind or rainwater runoff from sites affected by land disturbing activities be limited, as closely as practicable, to that which would have occurred if the land had been left in its undisturbed state. This is a BMP of NPDES Phase II; and has been addressed by a standard ordinance developed by the Winnebago County Association for Clean Water Action (WinACWA) 2005. Provisions of this ordinance are hereby incorporated in the Technical Regulations.
 - a. Except that, where floodplains are not involved, erosion and sediment control plans shall not be required for submittal for any of the following, provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures consistent with the principles of this regulation:
 - i. Excavation below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of one acre for which a building permit has been issued by the County of Winnebago;
 - ii. Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Winnebago County Soil and Water Conservation District, and including the construction of agricultural structures;
 - iii. Installation, renovation, or replacement of a septic system to serve an existing dwelling or structure.
- (2) Post Construction Runoff Quality Controls. These are additional controls, extending beyond the construction phase, which address water quality on a continuous basis. They can be as simple as some Low Impact Development techniques or as complex as a small surface water treatment plant. Post Construction Runoff Control is a Best Management Practice (BMP) required of the County by the National Pollutant Discharge Elimination System (NPDES), Phase II. Allowances for such controls are hereby incorporated in the Technical Regulations.

Sec. 50-248. Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When language contained within the Winnebago County Unified Development Ordinance is referenced, and in conflict with this section, the language in this section shall be applied to the provisions of this ordinance.

Accessory Structure means a structure located on the same lot with the principal building and is customarily incidental and subordinate to the use of the principal building.

Administrator means the Winnebago County Engineer, or his/her designee. With regard to Construction Site Erosion and Sediment Control provisions of this Article and the Technical Regulations, on sites for which a building permit is required or pending, the term shall also include the Building Official of Winnebago County, and the Winnebago County Soil and Water Conservation District Executive Director, or his/her designee.

Authority means any agency with regulatory powers, Winnebago County, for the purpose of this ordinance.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

Base flood elevation (BFE) means the elevation in relation to mean sea level of the crest of the base flood.

Basement means that portion of a building having its floor sub-grade (below ground level) on all sides.

Best Management Practices (BMP) means the primary method to manage stormwater runoff and mitigate pollution entering waterways. BMPs are tools, practices, and methods of stormwater management that control peak stormwater runoff rate, improve water quality, and manage runoff volume. (For additional guidance, see Section 1102 of the Technical Regulations.)

Building means a walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings, mobile homes, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

Certify or certification means formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Ordinance.

Clearing means any activity that removes vegetative ground cover.

Concentrated Animal Feeding Operation (CAFO) means a Large CAFO pursuant to 35 Illinois Administrative Code 502.103. (<https://www.ilsos.gov/departments/index/admincodindex.html>)

Control structure means a facility constructed to regulate the volume of stormwater runoff released during a specific length of time.

County means the County of Winnebago, Illinois.

County Board means the County Board of the County of Winnebago, Illinois.

Critical Facility means any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

Development (see also Land Disturbing Activity) means any manmade change to improved or unimproved land, including, but not limited to,

- (1) demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (2) substantial improvement of an existing building;
- (3) installation of a mobile home or manufactured home on a site, preparing a site for a mobile home or manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
- (4) installation of utilities, construction of roads, bridges, culverts or similar projects;
- (5) construction or erection of levees, dams, walls or fences;
- (6) drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- (7) storage or manufacture of materials, chemicals or other substances in floodplains, including the placement of gas and liquid (other than water) storage tanks. This definition is further refined in the prohibition enumerated in section 50-249(d)(17),
- (8) channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

District means the Winnebago County Soil and Water Conservation District.

Dry bottom stormwater storage area means a facility designed to be normally dry which accumulates excess stormwater only during periods when the restricted stormwater runoff release rate is less than the stormwater inflow rate.

Elevating of a building or structure means a method of minimizing flood damage wherein the lowest completely and permanently enclosed floor of a building or structure must be raised above a specified level, safe from significant damage from the base flood.

Engineer means the Winnebago County Engineer and person(s) designated by the County of Winnebago to review, approve, or enforce erosion and sediment control plans or storm water pollution prevention plans.

Excavation means any act by which organic matter, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

Existing grade means the vertical location of the existing ground surface prior to excavation or filling.

Existing Mobile Home Park or Subdivision means a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Mobile Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means Federal Emergency Management Agency.

Fill means earth, sand, gravel, rock or any other material which is deposited, placed, replaced, dumped, pushed, pulled, transported or removed by man to a new location, and shall include the condition resulting therefrom.

Final grade means the vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Fringe means that portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map (FIRM) means a map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations. For the purpose of this ordinance, the FIRM is that specified under the definition of Floodplain.

Flood Insurance Study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. For the purpose of this ordinance, the FIS is that prepared for Winnebago County in companion with the FIRM.

Floodplain, Flood Hazard Area, and Special Flood Hazard Area (SFHA) (These terms are synonymous, except SFHA is specific to FIRMs) means those lands within the unincorporated county that are subject to inundation by the base flood. The SFHAs of the county are generally identified as such on panel numbers 17201C0020D to 17201C0415D, inclusive, of the countywide Flood Insurance Rate Map of Winnebago County, Illinois, prepared by the Federal Emergency Management Agency and dated September 6, 2006, and as may be subsequently amended by FEMA. Floodplain also includes those areas of known or suspected and subsequently delineated flooding as identified by the county by observation or sound hydraulic and hydrologic principles.

Floodproofing means any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing Certificate means a form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

Flood Protection Elevation (FPE) means the elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

Floodway means that portion of the floodplain required to store and convey the base flood. The floodway for the floodplains shall be as delineated on the countywide Flood Insurance Rate Maps of the county prepared by FEMA and dated September 6, 2006, or as may be subsequently amended by FEMA. The floodways for each of the remaining floodplains of the county shall be according to the best data available from the Federal, State, or other sources.

Freeboard means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Garage means a building, either attached or detached, used or designed to be used primarily for the parking and storage of vehicles.

Grading means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Historic Structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
- (4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

Hydric soil means a soil having a seasonal high-water table at or near the surface of the soil most of the year.

Hydrophyte means a plant growing in water or in soil too saturated with water for most plants to survive.

IDNR/OWR means Illinois Department of Natural Resources/Office of Water Resources.

Impacted area means any parcel, or any portion of a parcel, within unincorporated Winnebago County, that includes a stormwater easement, a detention easement, drainage way, flood zone,

flood plain, or flood way, and plat provisions, and is affected by a natural or man-made event or action in such a way that is a violation of the provisions of this ordinance in its entirety.

Impervious area means any hard-surfaced, compacted area that does not readily absorb or retain water, including but not limited to building roofs, asphalt and concrete surfaces, and graveled areas.

Inspector means the person designated to review, approve, or enforce erosion and sediment control plans or storm water pollution prevention plans.

Intermediate development means land disturbing activity that occurs on property of no less than 25,000 square feet and less than one (1) acre, and is not a public road improvement or mining development.

Landscape or Land disturbing activity means any grading, excavation or fill placement activity which, in any combination, affects an area of one acre or more; or that may discharge soil and erosion into, or affect the performance of, any stormwater conveyance system; or alters or has the potential to alter existing floodwater storage, conveyance or direction of flow. Gardening, crop farming and measures necessary to reestablish healthy soil-stabilizing vegetation are not landscape disturbing activities.

Lot of record means an area of land designated as a lot of record or subdivision recorded pursuant to law.

Lowest floor means the lowest floor of the lowest enclosed area, including the basement. An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, shall not be considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable flood hazard area requirements of this article.

Major development means land disturbing activity great than 1 acre, that is not classified as a public road improvement, or mining development.

Manufactured home means a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one (1) or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation.

Manufactured home park or subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale.

Market value means the full fair cash value of real property as determined by the purchase price a willing buyer and seller would arrive at in the open market. The full fair cash value of real property shall be presumed to be the equalized assessment of the property.

Mining development means land disturbing activity that consists of extracting and/or mining material or aggregate resources. Activity is conducted upon a recorded parcel of land exceeding 2 acres and involves the removal of 10 feet or more of overburden.

Minor development means land disturbing activity that consists of hydrologic disturbance of less than 25,000 square feet and is not a public road improvement or mining development.

Mobile home means a single-family dwelling built on a permanent chassis designed for residential occupancy and containing complete electrical, plumbing, and sanitary facilities and designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation, which is capable of being drawn over public highways as a unit, or in sections, and which is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended. "Manufactured Homes" are not considered a "Mobile Home." Park model homes and the like which meet this definition are considered mobile homes.

For floodplain management purposes, the term "mobile home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Natural drainage means the existing runoff pattern of water on the ground surface prior to construction.

New Construction means structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New Mobile Home Park or Subdivision means a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP means National Flood Insurance Program.

Parcel means all contiguous land held in one ownership.

Permitting authority means the County of Winnebago.

Person means an individual, public or private corporation, government, partnership or unincorporated association.

Planned development means any large-scale land development consisting of unconventional or creative lotting designs, ownership arrangements, land use patterns, land use mixes or other features uniquely permitted and regulated through the procedures identified for planned unit developments, planned community developments, or precise plan developments.

Post Construction Runoff Control means runoff control(s) over quantity (rate or volume) of flow; or quality (presence of suspended solids, chemicals, or other materials) of surface water leaving a development after construction is completed.

Positive gravity outlet means the drainage of an area in a manner that will ensure complete removal of all surface water by means of natural gravity.

Principal use means the main permitted or intended use of land and/or buildings as distinguished from a subordinate or accessory use.

Public road improvement means land disturbing activity that takes place in a public right-of-way or part thereof and does not include the construction of a building. Related construction includes, but is not limited to culverts, bridges, roadways, sidewalks, and bike paths. Public recreational trails and linear railroad developments shall be considered public road improvements with respect to the requirements of this Ordinance, even if the public recreation trail or linear railroad development is not located within a public right-of-way.

Removal means cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

Recreational Vehicle or Travel Trailer (see also, Mobile home) means a vehicle which is:

- (1) built on a single chassis;
- (2) four hundred (400) square feet or less in size;
- (3) designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Runoff means that portion of precipitation or irrigation on an area which does not infiltrate into the soils, but instead flows off the surface of the land.

Repetitive Loss means Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Sediment/Sedimentation means transported and deposited soil particles or aggregates, usually by wind or water.

Special Flood Hazard Area (SFHA) - See definition of floodplain.

Shed means a relatively small accessory building often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity, or plumbing and it is commonly not placed on a permanent foundation when under two hundred (200) square feet in area. A 'shed' is typically intended to store lawn, garden, or pool care equipment.

Site means a lot or parcel of land, or a contiguous combination thereof, where construction activity is performed.

Start of Construction includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a mobile home, or manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Storm Water Conveyance and Storage System means any river, stream, creek, brook, branch, flowage, ravine, or natural or artificial drainageway, lake, pond, wetland, roadway drainage, storm sewer, etc. in or into which surface or groundwater flows, either perennially or intermittently.

Stripping means any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

Structure means anything erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground. A building, garage, shed, or a fence shall be considered a structure.

Subdivision means any division of land into two or more parts, including transfers of land between adjacent property owners for the purpose of ownership transfer or future development.

Substantial Damage means damage of any origin sustained by a structure whereby the cumulative percentage of damage during the life of the building equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

Substantial Improvement means any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the building in which the cumulative percentage of improvements equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or increases the floor area by more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Traditional agricultural use means a use commonly classed as agricultural or horticultural, including forestry, crop farming, truck gardening, wholesale nursery operations, animal husbandry, the operation of any machinery or vehicles incidental to such uses, and the construction of single-family dwellings and other farm structures associated with such uses.

The term does not include uses such as grain storage and processing, feed and fertilizer manufacture and processing, farm machinery repair or sales, Concentrated Animal Feeding Operations, or other similar agri-businesses which increase the size of paved or compacted areas by more than 25,000 square feet (cumulative) causing significant or measurable increases in stormwater runoff.

Technical regulations mean the Winnebago County Surface Water Management Technical Regulations, which are adopted by the County to specify the details of compliance with the scope of this Ordinance. While this Ordinance contains these definitions and establishes county policy, administrative matters, and legal foundation, the Technical Regulations, still a public document, requires measurements, planning and execution by engineers, architects, surveyors, or other certified or qualified persons, not the general public. Technical regulations may also be more subject to amendment as better methods are documented or environmental standards grow stricter.

Tributary watershed means the entire catchment area that contributes stormwater runoff to a given point.

Vacant means land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

Violation means the failure of a structure or other development to be fully compliant with the county's surface water management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

Waste means an unwanted byproduct of the developing/building process including construction-generated litter.

Wetland means areas where water covers the soil, or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year (US Fish & Wildlife Service).

Wet bottom stormwater storage area means a facility that contains a body of water and which accumulates excess stormwater during periods when the restricted stormwater runoff release rate is less than the stormwater inflow rate.

- (b) Words not defined in this section shall be interpreted in accordance with definitions contained in Merriam Webster Online Dictionary.

Sec. 50-249. Administration.

- (a) Administration of this article shall be the responsibility of the Administrator, who shall have authority to perform all duties enumerated in this section. The Administrator shall develop and maintain a familiarity with all state and federal laws related to floodplain management and drainage, including section 404 of the Federal Water Pollution Control Act of 1972 and

subsequent amendments thereto (33 USC 1251); and Statewide Permits issued by IDNR/OWR. The Administrator shall not issue a permit with respect to this article until clearance necessary from the respective state and federal agencies is obtained. No development or activity within an impacted area regulated by this article, shall commence in any area known or suspected to be inundated by the base flood without prior written approval from the Administrator in accordance with the requirements of this article.

- (1) Interpretation of terms and words. The words 'shall', 'will', and 'must' are mandatory, not permissive. Definitions of terms specific to this ordinance are contained in Section 50-248.
- (b) The Administrator may appoint any individuals or organizations to act in whole or part under this authority. The Administrator shall have appropriate assistance from the zoning officer, the building officer, the plats officer and officials of the county health department. These officials shall assist and cooperate with the Administrator in the administration of this article, and shall notify the Administrator regarding any official actions which may fall under the jurisdiction of this article and any suspected violations of this article.
- (c) The officials mentioned in subsection (b) of this section shall familiarize themselves with this article, with particular attention to the areas and activities regulated by this article, and shall refer all requests for permits for such activities made to their respective offices to the Administrator for approval according to this article. After November 13, 1980, no zoning clearance, building permit, or plat or subdivision approval shall be issued by the zoning officer, building official or plats officer for a development activity or land subdivision in a known or suspected base flood area until the proposed use, structure, development, subdivision or activity is approved by the Administrator. All requests for well permits, onsite waste disposal systems and onsite waste processing systems within the county shall be submitted in writing to the Administrator for review.
- (d) The Administrator shall enforce the provisions of this article, and for that purpose shall have the following additional powers and duties to:
 - (1) Require that a permit or clearance be obtained prior to any new use or improvement of land, property, or impacted area subject to the base flood, including, but not limited to, the placement of fill and landscape grading; the Administrator shall review and examine all applications for such permits to ensure compliance with the provisions of this article. This work shall include:
 - a. Comparison of the elevation of the site to the base flood elevation. Any development or land disturbing activity located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development or land disturbing activity located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.
 - b. With reference to the above paragraph, maintenance of any documentation of the existing ground elevation at the development site or within the impacted area and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.
 - (2) Review each plan and determine its conformance with all provisions of this ordinance, and within thirty days after receiving the plan, and shall in writing:
 - a. approve the plan if it is found to be in conformance with the provisions of this ordinance;
 - b. approve the plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance; or

- c. disapprove the plan, indicating the deficiencies and the procedure for submitting a revised plan.

Approval shall not be issued for an intended development site or impacted area unless:

- i. The development or impacted area, including but not limited to subdivisions and planned unit development, has been approved by the County of Winnebago where applicable, or
 - ii. The proposed development or impacted area is coordinated with any overall development program previously approved by the County of Winnebago for the area in which the site is situated; and
 - iii. All relevant federal and state permits (e.g., for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance.
- (3) Collect any fees which may be established by the County Board, issue permits or other certificates indicating compliance with this article and keep permanent records thereof;
 - (4) Conduct inspections of buildings, structures, lands and uses, including substantial damage determinations, as are necessary to determine compliance with this article; such inspections may be made by the building official or inspector in conjunction with normal building or construction inspections;
 - (5) Receive, file and forward as necessary all applications pertaining to this article;
 - (6) Initiate, direct and review from time to time the provisions of this article and make recommendations to the county board as necessary;
 - (7) Initiate amendments to this article as may be necessary to comply with changes in the National Flood Insurance Program or state floodplain management requirements; and cooperate with federal and state agencies to coordinate base flood data and to improve the administration of this ordinance.
 - (8) Revoke permits, certificates of compliance and post stop work orders where the provisions of this article are being violated;
 - (9) Require or conduct elevation surveys and monumentation as necessary to ensure compliance;
 - (10) Issue notices of violation when necessary and take further action as specified in this article to obtain compliance;
 - (11) Provide and maintain public information relative to all matters arising out of this article; and for that purpose, retain plans, specifications, and reports for all developments and impacted areas. Annually publish informational material advising property owners on threats, hazards and vulnerabilities;
 - (12) Issue orders preventing the occupation or use of any land, building or structure which has been constructed or modified in violation of the terms of this article;
 - (13) Issue orders to initiate and carry out corrective measures where a violation of the terms of this article has placed other properties in peril;
 - (14) Maintain records of all official actions taken under this article; and:
 - a. Provide the county board, the state department of transportation, the division of water resources, and the Federal Insurance Administration with an annual report of flood hazard area activities on forms provided by the Federal Insurance Administration.
 - b. Require and maintain records of lowest floor elevations, floodproofing certifications, variance documents and other records required by the Federal Insurance Administration.

- c. Maintain a record of the lowest floor elevations in flood hazard areas of all new structures or substantial improvements of structures constructed after November 19, 1980. These floor elevations shall be available to the public.
 - d. Maintain the records of all proceedings and actions of the board taken in connection with this article.
 - e. Notify the Federal Insurance Administration, as part of the annual report, of all variances granted.
- (15) As applicable to their jurisdiction: notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse.
- (16) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.
- (17) Prohibit the storage or manufacture of materials, chemicals or other substances in floodplains, including:
- a. the placement of gas and liquid (other than water) storage tanks,
 - b. water-soluble chemicals,
 - c. materials which are buoyant,
 - d. pesticides, herbicides, and fertilizers,
 - e. radioactive materials,
 - f. grain or other storage of materials or substances which can be easily damaged by floodwaters, and
 - g. the storage of any other chemical or substance in large or small amounts which, in the judgment of the Administrator, has the potential to pollute floodwaters, impair flood flows, or increase the damage hazard to other property owners upstream or downstream.

Except that the types of storage or manufacture which are exempted are:

- i. storage or manufacture which is floodproofed to withstand a flood exceeding the base flood by one foot;
- ii. the storage of gasoline, oil and other substances necessary in the operation and maintenance of marine craft and watercraft; and
- iii. storage or manufacture existing prior to November 30, 1980, for a period of three years from November 30, 1980. Thereafter, these items shall be removed or floodproofed to withstand a flood exceeding the base flood by one foot. However, in any case where the preexisting storage or manufacture of a prohibited and not otherwise exempted substance is abandoned or ceased for a period of three consecutive months, then neither that activity nor any similar prohibited activity shall be reestablished, except in conformance with this article.

Sec. 50-250. Enforcement & Penalties.

The Administrator shall be the official primarily responsible for the enforcement of this article. The Administrator shall serve notice of a violation of this article on the owner or his authorized agent, a tenant, architect, builder, contractor or other person who commits or participates in any violation. The administrator may request the state's attorney to institute legal proceedings necessary to enforce this article or prevent or remedy any violations thereof. He/she may also request the assistance of the county sheriff's department in enforcing this article.

- (a) It shall be unlawful for any person to violate, disobey, omit, neglect, or refuse to comply with, or to resist enforcement of, any provision of this Ordinance, or variance required by this Ordinance.
- (b) It shall be unlawful under this article for any applicant or person to submit any inaccurate plans, plats or other documents to the Administrator or other office involved in the enforcement of this article.
- (c) Stop-work order; In the event any person holding an approved erosion and sediment control plan, or development permit, pursuant to this ordinance violates the terms of the approval, or carries on site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the County of Winnebago may suspend or revoke approved construction activity including, but not limited to: any and all building permits, grading activity, road construction, or other construction related activities until such time the approved erosion and sediment control plan, or conditions of the development permit are satisfactorily implemented and/or maintained.
- (d) Enforcement of violations of an approved plan and/or within any impacted area shall be by a written stop-work order issued by the County of Winnebago and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violation cited, and shall state the conditions under which work may be resumed. Failure to follow an approved erosion and sediment control plan may be just cause to permanently suspend or revoke authorized construction activity or building permit.
- (e) It shall be unlawful for the person owning or exercising control over any property, or development thereon, to permit or allow that property, or any development thereon, or any condition thereof, to violate, or remain in violation of, any provision of this Ordinance, or fail to comply with, abide by or satisfactorily complete any condition of any variance granted to, or issued for, that property or development.
- (f) It shall be unlawful for any person to continue any work on a property after having been served with a stop work order issued pursuant to Sec. 50-250 (c), except such work as that person is directed, or authorized, to perform by the Administrator necessary to remove a violation having a temporary impact or to abate an unsafe condition.
- (g) Inspection and Maintenance Authority. Pursuant to the authority granted by 55 ILCS 5/5-1104, the County may, after thirty (30) days written notice to the owner or occupant, in a non-emergency situation enter upon any lands or waters within the County for the purpose of inspecting or maintaining stormwater facilities or causing the removal of any obstruction to an affected watercourse. Such Notice to be mailed to the last known address of each owner. The cost to the enforcing authority for any and all action taken as a result of the notice, is a lien upon the property, and the enforcing authority may take all steps to make such lien of record.
- (h) The Administrator may require the person to apply for an "after-the-fact" stormwater management permit, including any and all supporting documentation required thereto, for any unpermitted, unauthorized regulated development, disturbance, or impact.
- (i) The Administrator may require the development site or impacted area to be fully restored to its condition existing prior to the violation. If it is not feasible or practical to fully restore the development site or impacted area to the condition existing prior to the violation, the Enforcement Officer may allow the development site or impacted area to be restored to a condition that increases flood storage or decreases stormwater runoff compared to the condition existing prior to the violation.
- (j) The Administrator may take other legal action including but not limited to a temporary restraining order and other preliminary or permanent injunctive relief necessary to prevent further harm or

violation and/or remedy any harm or violation that has already occurred, and if applicable require removal, correction, remediation and/or mitigation for said harm and violation. In addition to any fine or other relief, all costs and expenses, including reasonable attorney's fees incurred, may be recovered.

- (k) The Administrator may, after notice is sent to the owner(s) of the parcel(s) upon which the violation is located, record the complaint filed, the notice of violation or any stop work order against the property at the Winnebago County Recorder of Deeds Office.
- (l) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation or fill, or develop in an impacted area, floodplain, drainage way, or stormwater easement, or cause the same to be done, contrary to or in violation of any terms of the ordinance, recorded plat of survey, or recorded subdivision plat. If necessary, the performance bond filed by the applicant may be forfeited to the County of Winnebago to cover the cost of repairs. Any person violating any of the Erosion and Sediment Control provisions of this ordinance shall not be awarded a Certificate of Occupancy from the County until violations have been corrected.
- (m) With respect to floodplain violations, the county shall record a notice of violation on the title of the property; and the Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (n) Penalty. Failure to comply with any of the requirements of this article shall constitute a petty offense, and any person, upon conviction thereof, shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Each day the violation continues shall be considered a separate and distinct offense for which the violator may be subject to the penalties of this section.

Sec. 50-251. Disclaimer of liability.

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the county or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

Sec. 50-252. Applicability and Severability.

When this article imposes a greater restriction than those imposed or required by the provisions of existing ordinances or rules and regulations, this article shall control. When the provisions of existing ordinances or rules and regulations impose greater restrictions than those imposed or required by this article, they shall control.

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Sec. 50-253. Administrative Review Act.

The Administrative Review Act, 735 ILCS 5/3-101 et seq., shall not be applicable to this article.

Sec. 50-254. General requirements.

In general, all land disturbing activity and development located within the county and without any city, village or incorporated town are regulated in accordance with Section 50-247, Purpose and Scope of this Article, with particular note of definitions, exceptions, and the adoption of Technical Regulations,

which govern specifics of compliance. No land disturbing activity or development may be sanctioned by issuance of building permits, recording of subdivision or plats of land, or otherwise officially authorized without meeting the approval of the Administrator. Also, generally:

- (a) Interpretation. This Ordinance shall be liberally construed to protect the health, welfare, safety, and the environment of the residents of the County and to effectuate the purposes of this Ordinance and the enabling legislation.
 - (1) Nothing contained in this Ordinance shall be deemed to consent to, license, permit to locate, construct, or maintain any structure, site, facility or operation, or to carry on any trade, industry, occupation, or activity.
 - (2) Interpretation of technical provisions of this Ordinance shall be made by the Administrator.
- (b) Any land disturbing activity and development shall be regulated in accordance with the base flood standard, which is indicated in the definition of *Floodplain* in Section 50-248. Base Flood elevations shall be in accordance with the FIS, or FIRM; or, if in dispute, the applicant shall provide better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site. If data is needed beyond the scope of the FIS, the applicant shall provide engineering analysis acceptable to the Administrator. In floodplains within the county, no person, property owner, builder or contractor shall commence any of the activities listed in this subsection in any known or suspected flood hazard area without prior clearance and written approval from the Administrator or his delegate:
 - (1) Construction of new structures of any type;
 - (2) Substantial improvement of existing structures;
 - (3) Any improvement to existing structures in a floodway;
 - (4) Placement of mobile homes;
 - (5) Placement or storage of chemicals, substances, debris or other materials;
 - (6) Design and construction of any type of planned development as designed;
 - (7) Construction, expansion, repair or reconstruction of a mobile home park;
 - (8) Landscape disturbing activities;
 - (9) Watercourse modifications on any stream, tributary or drainageway regardless of contributing watershed size;
 - (10) Any subdivision or redivision of land, including transfers between adjacent property owners, regardless of the size or acreage of the property;
 - (11) Placement or replacement of wells, water supply systems, sanitary sewer facilities, and onsite waste disposal or processing systems; and
 - (12) Land disturbing activity that results in:
 - a. Unreasonable new or additional expense to any person other than the applicant for flood protection or for lost environmental stream uses and functions attributable to the activity;
 - b. Unreasonable increase in elevations or decrease flood conveyance capacity upstream or downstream of the area;
 - c. Violate any provision of this Ordinance either during or after construction; and
 - d. Unreasonably or unnecessarily degrades surface or ground water quality.
- (c) Within all areas designated as base flood hazard areas and within all areas known or reasonably suspected to be subject to the base flood, the Administrator shall require from applicant's information sufficient to ensure compliance with this article.
- (d) For purposes of this article, changes in flood elevations or changes in discharges, within the limits of modeling tolerance allowed in this Ordinance shall be deemed acceptable.

(e) For Erosion and Sediment Control:

Except as otherwise provided in this ordinance, no person shall commence or perform any land disturbing activity, including but not limited to clearing, grading, stripping, excavating, or filling of land which meets the following provisions without having first obtained approval for a complete set of Engineering Drawings, including a detailed erosion and sediment control plan to the County of Winnebago for review by the Engineer.

The management practices, controls, and other provisions contained in the erosion and sediment control plan must be at least as protective as the requirements contained in the *Illinois Urban Manual-A Technical Manual for Urban Ecosystem Protection Enhancement*, as amended, prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service.

If the applicant is required to comply with the requirements of a Phase II, NPDES permit, submittal of a copy of the Notice of Intent (NOI), copy of the Illinois Department of Natural Resources Consultation Agency Action Report, and the approved Storm Water Pollution Prevention Plan (SWPPP) to the Administrator, a minimum of 30 calendar days before the planned commencement of construction will be accepted in lieu of an Erosion and Sediment Control Plan. This requirement shall contain the following requested in this Ordinance.

- (1) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, offsite borrow areas, or any combination thereof) that will affect an area greater than or equal to one acre;
- (2) Any land disturbing activity that may discharge soil and erosion into any storm water conveyance system;
- (3) The County of Winnebago reserves the right to require any non-agricultural, construction development activity, or land disturbing activity regardless of area or type of activity, to comply with this Ordinance if it is determined to be causing or contributing to existing or potential new erosion of soil or otherwise impacting the performance of an existing storm water conveyance system.

Exceptions are listed in Sec. 50-247(b)(1)a.

(f) For building protection:

Within the boundary of the regulatory floodplain, all usable space in new buildings, or added to existing buildings, shall either be elevated, floodproofed, or otherwise protected such that the lowest entry shall be at least one foot above the nearest base flood elevation to prevent the entry of surface stormwater. Floodproofing devices shall be operational without human intervention. If electricity is required for protection against flood damage, there shall be a backup power source which will activate without human intervention. Floodproofing measures shall be certified by a Professional Engineer.

All usable space in new buildings or added to existing buildings, shall be elevated, floodproofed, or otherwise protected to at least one foot above the design elevation to prevent the entry of surface stormwater.

For all other building protection standards please refer to the Technical Regulations related to this ordinance.

Sec. 50-255. Permits required.

The following are general, typically minimum requirements. Requirements for meeting specific aspects of floodplain, stormwater detention, construction site erosion and sediment controls, and post construction runoff controls are given in the Technical Requirements. It is the intent, as far as possible, to combine applications and documentation of compliance, including a single site development and erosion control plan showing floodplains, and temporary and permanent erosion control measures.

- (a) *Required.* A surface water management permit shall be required before beginning or continuing any land disturbing activity or development if such activity is subject to any of the provisions of this article.
- (b) *Phasing.* In order to preclude inappropriate phasing of development to circumvent the intent of this Ordinance, the requirements of this Ordinance shall apply to all regulated development within the contiguous property, unless waived by the Administrator
- (c) *Forms; fee; contents of application.* Application to the Administrator for a surface water management permit shall be made by the owner, or his authorized agent, on forms provided by the Administrator, and shall be accompanied by a fee according to a schedule established by the County Board.
 - (1) The permit application shall contain, at minimum:
 - a. The name of the owner;
 - b. The location and description of the development;
 - c. A statement by the applicant that he understands his obligations under this article; and
 - d. The signature of the applicant.
 - (2) When the proposed land disturbing activity or development is classified as Major (see Definitions) in extent, including, but not limited to, land subdivisions or planned developments; commercial, industrial or institutional sites; or construction or substantial improvement in a flood hazard area, the Administrator shall, in addition, where applicable, require the following:
 - a. Prior review of preliminary plans and tentative plats;
 - b. An estimated cost of project or improvements prepared by a licensed engineer architect or contractor; and a bond, letter of credit, certified check or other such suitable guarantee to ensure the completion of any facilities required by this article;
 - c. A plan for the responsibility of maintaining drainage ditches, stormwater storage areas, erosion and sediment control measures, and other facilities required in this section.
 - i. Acceptable plans for maintenance shall specify which persons shall have the following responsibilities: Construction, on-site, and permanent function maintenance.
 - ii. Acceptance plans for maintenance may include the following:
 - (a) Agreements with units of local government or school districts; and
 - (b) Agreements with individual property owners or property owners' association, provided that the face of any final plat makes reference to the agreement and that a restrictive covenant running with the land be imposed on all affected property; and
 - d. Information showing how the land disturbing activity or development will comply with the general intent and technical requirements of this article, such as:
 - i. A site development plan; which shall include, as a minimum:
 - (a) a scaled drawing of the site, showing property lines and existing and proposed grade elevations or contours,
 - (b) the location of all existing buildings and proposed additions or new buildings with the elevation of the lowest floor (including basement) of such proposals within flood hazard areas.

- ii. Any supplemental information necessary for the Administrator to evaluate the site's compliance with the requirements of this article; and
- iii. An estimated schedule of development phases.

(d) Terms and Extensions.

- (1) The term of surface water management permit shall be from the issue date to the expiration date, as follows:
 - a. The lesser of 2 years or the term of the building permit for Minor developments and public road improvements.
 - b. The lesser of 3 years or the term of the building permit for Major developments.
 - c. The lesser of 10 years or the term of the special use permit for Mining Development.
- (2) A permit extension may be requested in writing by the applicant if the land disturbing activity is not completed within the term of the surface water management permit. The Administrator may extend the permit for the time periods listed below. Permit extension requests may not be made prior to 90 days of the permit expiration date.
 - a. The permit term for Minor Developments, Public Road Developments may be extended for 6 months at a time.
 - b. The permit term for Major Developments and Mining Developments may be extended for 12 months at a time.
- (3) The Administrator may amend or add special conditions to the permit at the time of the extension, such as updating the terms of a performance guarantee by revising the estimated cost to complete construction.
- (4) A surface water management permit shall be terminated without the possibility of an extension if the actual start of construction is not commenced within 180 days after the issue date of the surface water management permit and if any activity related to a building authorized by the surface water management permit is not in compliance with the most recent version of:
 - a. The FIS;
 - b. The FIRM;
 - c. The NFIP regulations; and
 - d. The Flood Hazard Areas Performance Standards of this Ordinance.
- (5) A stormwater management permit may be terminated during its term or a permit extension may be denied for reasons including, but not limited to:
 - a. Noncompliance with any condition of the permit;
 - b. The applicant's failure to disclose fully all relevant facts in the application process or the applicant's misrepresentation of any relevant facts at any time;
 - c. The regulated development is not commenced within 2 years after the issue date of the surface water management permit;
 - d. The regulated development is suspended or abandoned for a period of 6 months after commencing the land disturbing activity.

(e) Permit Conditions.

- (1) Special Conditions may be added to a permit by the Administrator to clarify the purpose or authorization granted by the surface water management permit. Special conditions may also specify other restrictions and constraints of the land disturbing activity.

- (2) Development plans bearing the approval stamp of the Administrator shall be retained at the development site throughout the duration of construction activities.
- (3) A deed or plat restriction required as part of a surface water management permit shall not be modified without the approval of the Administrator.

Sec. 50-256. Surface Water Management Fee Schedule.

Unless otherwise waived pursuant to Sec. 50-247 (2) a. of this Ordinance, all applications for permits pursuant to this Ordinance shall be accompanied by fees set forth in the 'Surface Water Management Fee Schedule' attached to this Ordinance as Appendix 1. Said fees may be amended from time to time by the Winnebago County Board by amending this Ordinance. The County Engineer may, at the County Engineer's discretion, waive any fees imposed by this Article IV. Of Chapter 50 of the Winnebago County code if the fees are for a permit application by another state or municipal agency within the County of Winnebago, Illinois. A copy of Appendix 1 is available at the Winnebago County Highway Department, 424 North Springfield Avenue, Rockford, Illinois, 61101.

Sec. 50-257, and 50-258. Reserved.

Sec. 50-259. Variances.

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the County Board for a variance. The Administrator shall review the applicant's request for a variance and shall submit his recommendation to the County Board. The County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- (a) A public hearing is required for a variance petition that affects adjoining properties or has the potential to affect adjoining properties, as determined by the Administrator.
 - (1) Application requirements
 - a. Name and address of petitioner and professional consultants, if any
 - b. Legal description and PIN of subject parcel
 - c. Description of impacted area
 - d. Identification of each Ordinance provision for which a variance is requested, including plans and calculations,
 - e. Supporting documentation deemed necessary by the Administrator.
- (b) No variance shall be granted unless the applicant demonstrates that all of the following standards are met:
 - (1) If within a floodplain, the development activity cannot be located outside the floodplain.
 - (2) An exceptional hardship would result if the variance were not granted.
 - (3) The relief requested is the minimum necessary.
 - (4) There will be no additional threat to public health, public safety, destruction of beneficial stream uses and functions including, aquatic habitat, causation of fraud on or victimization of the public, conflict with existing local laws or ordinances, or creation of a nuisance.
 - (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, lost environmental stream uses and functions, repairs to streambeds and banks, or repairs to roads, utilities, or other public facilities.
 - (6) The circumstances of the property are unique and do not establish a pattern inconsistent with the intent of these regulations, NPDES, or NFIP.

- (7) Good and sufficient cause has been shown that the unique characteristics of the size, configuration, or topography of the site renders the requirements of this ordinance inappropriate.
 - (8) All other state and federal permits have been obtained.
- (c) If the requirements of the building protections standards of Section 207 of the Technical Regulations would lessen the degree of protection to a building, the Administrator shall notify an applicant in writing that a variance will:
- (1) Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
 - (2) increase the risk to life and property, and
 - (3) require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- (d) Variances to the building protection requirements of Section 207 of the Technical Regulations which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 206 and 207 of this Ordinance subject to the conditions that:
- (1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
 - (2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

Secs. 50-260--50-280. Reserved.

END OF ORDINANCE

{The following sections 100 through 900 were adopted May 23, 2006, by the Winnebago County Board as part of the Amendment to Article IV Surface Water Management, of the County Code.}

**Winnebago County
Surface Water Management
Technical Regulations**

- 100 . . Introduction
- 200 . . Floodplain Regulations
- 300 . . Stormwater Detention Regulations
- 400 . . Post Construction Runoff Quantity Controls
- 500 . . Reserved
- 600 . . Construction Site Erosion and Sediment Control
- 700 . . Post Construction Runoff Quality Controls
- 800 . . Reserved
- 900 . . Reserved
- 1000 . Surface Water Management Guidance

100 . Introduction

The Surface Water Management Ordinance establishes the policies and objectives adopted by the Winnebago County Board for surface water management. The Ordinance also includes a common location, Section 50-248, of definitions, and other sections covering administrative procedures and legal foundation. These Surface Water Technical Regulations further define much of the specific criteria by which plans and implementations shall be judged to meet the policies and objectives. They, too, are adopted by the Winnebago County Board, except that Section 1000 and beyond is for Guidance that may be established, and revised as appropriate, by the Administrator. (See Sec. 1000 for refinement.)

200 . Floodplain Regulations

- 201 . Introduction
- 202 to 205 . Blank
- 206 . Section 6. Preventing Increased Flood Heights and Resulting Damages
- 207 . Section 7. Protecting Buildings
- 208 . Section 8. Subdivision Requirements
- 209 . Section 9. Public Health and Other Standards
- 210 . Section 10. Carrying Capacity and Notification

201 . Introduction

These Regulations are taken directly from the **Illinois Sample Flood Damage Prevention Ordinance (IDNR/OWR, as amended)**, sections 6 thru 10. Those who are familiar with this model ordinance will have little difficulty in navigating the section numbers for citation--though should note some qualifications for section 6. The standard definitions of Section 2 of the model ordinance are incorporated, as amended in sec. 50-248 of the Surface Water Management Ordinance. Similarly, that ordinance also contains the policy statements, administrative assignments, and legal framework that are partially unique to each jurisdiction, while maintaining the required minimum standards of 44 CFR 60.3(d).

206 . Section 6. Preventing Increased Flood Heights and Resulting Damages

Within any floodway identified on the countywide Flood Insurance Rate Map (FIRM), and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in Section 6(B) of this regulation, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
1. Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
 - a. The crossing shall be designed such that it will not result in an increase in water surface profile elevation in excess of 1.0 feet over the natural condition for any frequency flow up to and including the 100-year frequency flood; and
 - b. The crossing shall be designed such that it will not result in an increase in water surface profile elevation in excess of one half (0.5) feet over the natural condition at a point one thousand (1,000) feet upstream of the proposed structure (as determined by the horizontal projection of the maximum created head and the slope of the hydraulic grade line) for any frequency flood up to and including the 100-year frequency flood; and
 - c. There are no buildings or structures in the area impacted by the increases in water surface profile.
 - d. For a replacement culvert or bridge crossing:
 - i. The crossing shall be designed so that there will be no increase in backwater over the existing conditions, or
 - ii. The crossing shall be designed so that it complies with the water surface profile increases listed in a., b., and c.; and
 - iii. A registered professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
 - No buildings or structures have been impacted by the backwater induced by the existing crossing; and
 - There is no record of complaints of flood damages associated with the existing crossing.
 - e. The proposed bridge or culvert crossing, whether new or replacement, must not involve straightening, enlargement, or relocation of the existing channel of the river or stream. The excavation of the channel and/or overbank necessary for the effective hydraulic performance of the culvert or bridge or removal of debris from the river or stream is not considered straightening, enlargement or relocation. Any excavation of the overbank incorporated into the design of the bridge or culvert crossing to meet the terms of 1 a-d., must include appropriate vertical and horizontal transitions. Furthermore, the bottom elevation of the overbank excavation must not be below one-half the channel depth of the stream. This depth shall be calculated at an existing cross-section of the stream within the general vicinity of the culvert or bridge which has been unaffected by man-made obstructions.

- f. The design must be certified by a registered professional engineer in the State of Illinois to have been designed by standard hydrologic and hydraulic engineering methods and to be in compliance with the terms and conditions of the IDNR/OWR Permit and the applicable rule of the Department; and
 - g. The design must be certified by a second registered professional engineer in the State of Illinois to have been reviewed and found to be in compliance with terms and conditions of the IDNR/OWR Permit.
 - h. The permittee shall maintain, for each project authorized by this permit, the records necessary to document compliance with the above conditions.
2. Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:
 - a. The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
 3. Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4:
 - a. The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge (with the bridge owner's permission).
 - b. A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
 - c. No supporting towers or poles shall be located in a river, lake or stream.
 - d. Supporting towers including foundations, and poles shall be designed and located so as to not cause or create an obstruction of flood flows by trapping debris.
 - e. All disturbed areas shall be returned to pre-construction grades and immediately re-vegetated.
 - f. All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
 4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
 - a. The boat dock must not project more than fifty (50) feet into a waterway and in no instance greater than one quarter ($\frac{1}{4}$) of the width of the waterway, and shall not extend beyond the navigation limits established by the Department of Natural Resources and the Corps of Engineers.
 - b. The width of the boat dock shall not be greater than ten (10) feet.
 - c. For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage, nor fifty (50) feet.
 - d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projection of the property line.
 - e. Dock posts must be marked by reflective devices.
 - f. The boat dock must be securely anchored to prevent detachment and becoming a floating hazard during times of high water or winds.
 - g. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
 - h. This permit does not authorize any other related construction activity such as shore protection or fill.

- i. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
 - j. If at any future date the Department of Natural Resources or the Corps of Engineers determines that the dock facility obstructs or impairs navigation, or in any way infringes on the rights or interests of the public or any individual party, the permittee agrees to make necessary modifications to the dock as determined by the Department of Natural Resources or the Corps of Engineers.
- 5. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6:
 - a. The following activities (not involving fill or positive change in grade) are covered by this permit:
 - i. The construction of underground utility lines not crossing a lake or stream, wells, and septic tanks.
 - ii. The construction of light poles, sign posts, and similar structures.
 - iii. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar surfaces which are built at grade.
 - iv. The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports.
 - v. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension (e.g. animal shelters and tool sheds). Only one such building on a property shall be authorized by this permit. If such a building already exists on a property, this permit does not authorize any additional building.
 - vi. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and provided the proposed raising would not involve the placement of fill to accomplish the raising. The backfilling of an existing basement is permissible.
 - vii. This permit does not authorize any construction in the normal channel, i.e. below the usual overtopping or flooding elevation, of any river, lake, or stream.
 - viii. In the event the placement of fill material is necessary to accomplish the purpose of the project, the normal application for permit process must be followed or plans may be submitted to the IDNR/OWR for an initial review and an appropriate determination as to whether or not this statewide permit is applicable to the project. This permit does not authorize the placement of any fill material (except for the backfilling of an existing basement as indicated previously) or positive change in grade in the floodway in conjunction with any of the activities noted in 1. through 6.
 - ix. If there is any question of the permissibility of any activity under this permit, the IDNR/OWR shall be contacted for a determination.
- 6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
 - a. Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.

- b. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
 - c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
 - d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
- a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
 - b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
 - c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5, 1996 State Bar Edition), shall be provided with shut-off valves on each side of the body of water to be crossed.
 - d. If blasting is to be utilized in the construction of the crossing, the Permittee shall notify the Illinois Department of Natural Resources, Office of Resource Conservation at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.
8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
- a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban).
 - b. In addition to the materials listed in the above condition, other materials (e.g., tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.
 - c. The following materials shall **not** be used in any case: auto bodies, garbage of debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).
 - d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1000) feet.
 - e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.

- f. Materials shall be placed in a way which would not cause erosion, or the accumulation of debris, on properties adjacent to or opposite the project.
- g. Materials shall not be placed higher than the existing top of the bank.
- h. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.

For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.

- i. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.
- j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
- k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:
 - i. It is constructed in alignment with an existing seawall(s) or gabion structure(s), and
 - ii. the volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.
- l. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.

The usual types of projects which provide bank or shoreline stabilization include: riprap or other materials placed along the eroded length of the bank or shoreline, riprap or other materials placed at regular intervals into the stream from the eroded bank (bendway weirs, dikes, jetties), riprap placed along the toes of the bank (toepoints), and riprap keyed into the bank at regular intervals along the stream (hard points). Other similar construction activities, although not specifically listed above, may comply with the intent of the Statewide Permit and, therefore, may be authorized by the permit. For those projects not specifically listed, however, plans must be submitted to the Illinois Department of Natural Resources, Office of Water Resources for review and an appropriate determination.

- 9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
 - a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
 - b. The principal structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
 - c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property.
 - d. The accessory structure or addition must not involve the placement of any fill material.

- e. No construction shall be undertaken in, or within fifty (50) feet of the bank of, the stream channel.
 - f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
 - g. Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
 - h. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.
10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
- a. The affected length of the stream shall not, either singularly or cumulatively, exceed one thousand (1000) feet.
 - b. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel, and
 - c. the cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and downstream of the site.
 - d. Dredged or spoil material shall not be disposed of in a wetland and shall be either:
 - i. Removed from the floodway;
 - ii. Used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of streambank;
 - iii. Used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
 - iv. Used to stabilize an existing levee provided the height of the levee would not be increased nor its alignment changed;
 - v. Placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or
 - vi. Used for beach nourishment, provided the material meets all applicable water quality standards.
 - e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.
11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:
- a. A registered professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
 - i. No buildings or structures have been impacted by the backwater induced by the existing structure, and
 - ii. there is no record of complaints of flood damages associated with the existing structure.

- b. A registered professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects, the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
 - c. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).
 - d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, Channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
 - e. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.
12. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:
- a. No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.
 - b. The term "temporary" shall mean not more than one construction season; all temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the Office of Water Resources.
 - c. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
 - d. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.
 - e. No temporary structure shall be placed within any river or stream channel until a registered professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
 - f. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.
 - g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
 - h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).
13. Special uses of public waters activities shall meet the following conditions of IDNR/OWR statewide Permit Number 14:

- a. The activity must be sanctioned and authorized by the local governmental body having jurisdiction over the area within which the use is proposed to occur.
 - b. If the activity requires any other state or federal (e.g., U. S. Army Corps of Engineers or U. S. Coast Guard) authorization, such authorization(s) must be obtained prior to the commencement of the activity. NOTE: Depending on the nature of the special use, additional authorization may be required from the Illinois Department of Natural Resources. For example, certain boat regattas must be approved by the Office of Law Enforcement.
 - c. No use or activity shall be considered authorized by this permit in excess of seven consecutive days.
 - d. No use or activity shall be considered authorized by this permit in excess of two times in any one-year period.
 - e. If at any time the Department of Natural Resources determines that the activity obstructs or impairs navigation, or unnecessarily infringes on the rights or interests of the public or any individual party, the permittee agrees to modify the activity as directed by the Department of Natural Resources.
 - f. No signs, ropes, etc. used in conjunction with the special use shall be placed or left in any public water area in a way which would create or result in a hazard to boating traffic. All such apparatus shall be removed from the water immediately upon conclusion of the event.
14. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.
- B. Other development activities not listed in 6(A) may be permitted only if:
1. permit has been issued for the work in an IDNR/OWR Jurisdictional Streams by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
 2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation (BFE).

207 . Section 7. Protecting Buildings

- A. In addition to the damage prevention requirements of 206 Section 6 of this regulation, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation (FPE). This building protection requirement applies to the following situations:
1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
 2. Value of improvements equals or exceeds the market value by fifty percent (50%) or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%). Improvements shall be figured cumulatively during the life of the building. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
 3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
 4. Installing a manufactured home on a new site or a new manufactured home on an existing site.

5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
 6. Repetitive loss to an existing building as defined in Section 2.
 7. Construction or placement of a new building or alteration or addition to an existing building with the low floor below BFE following a LOMR-F in accordance with the conditions outlined in Section 9 E.
- B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
1. The building may be constructed on permanent land fill in with the lowest floor including basement at or above the FPE accordance with the following conditions:
 - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
 - b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least twenty (20) feet beyond the foundation before sloping below the flood protection elevation in lieu of a geotechnical report.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - d. The fill shall be composed of rock or soil and not incorporated debris or refuse material.
 - e. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated.
 2. The building may be elevated on solid walls in accordance with the following:
 - a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
 - b. All components located below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - c. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - d. If walls are used, all enclosed areas below the flood protection elevation shall provide for equalization of hydrostatic pressures by allowing the automatic entry and exit of flood waters. At least two (2) walls must have a minimum of one (1) permanent opening that is below the BFE and no more than one (1) foot above finished grade. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, or the design must be certified by a Registered P.E., as proving the equivalent performance in accordance with accepted standards of practice. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance.
 - e. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - i. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

- ii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.
 - iii. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- 3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions and requirements of FEMA TB 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, which ever are more restrictive, are met:
 - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All enclosed areas below the flood protection elevation shall provide for equalization of hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one (1) permanent opening shall be provided on at least two walls that is below the BFE and no more than one (1) foot above finished grade. The openings shall provide a total net area of not less than one (1) square inch per one (1) square foot of enclosed area subject to flooding below the BFE, or the design must be certified by a Registered P.E. as providing the equivalent performance in accordance with accepted standards of practice. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance.
 - c. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
 - d. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 - e. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
 - f. Utility systems within the crawlspace must be elevated above the flood protection elevation.
- C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:
 - 1. Below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
 - 2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
 - 3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
 - 4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.
- D. Mobile homes or travel trailers to be permanently installed on site shall be:
 - 1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and
 - 2. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code §870.

- E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:
1. The vehicle must be either self-propelled or towable by a light duty truck.
 2. The hitch must remain on the vehicle at all times.
 3. The vehicle must not be attached to external structures such as decks and porches
 4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
 5. The vehicles having a total area not exceeding four hundred (400) square feet when measured at the largest horizontal projection.
 6. The vehicle's wheels must remain on axles and inflated.
 7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
 8. Propane tanks as well as electrical and sewage connections must be quick-disconnect.
 9. The vehicle must be licensed and titled as a recreational vehicle or park model, and must either:
 - a. entirely be supported by jacks, or
 - b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.
- F. Detached accessory structures may be permitted provided the following conditions are met:
1. The structure must be non-habitable.
 2. The structure must be used only for parking and storage and cannot be modified later into another use.
 3. The structure must be located outside of the floodway or have the appropriate county, state and/or federal permits.
 4. The structure must be on a single-family lot and be accessory to an existing principal structure on the same lot.
 5. The exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Section 7.
 6. All utilities, mechanical, and electrical must be elevated above the flood protection elevation.
 7. The structure must have at least one permanent opening on at least two walls not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
 8. The structure must be no more than one story in height and no more than six hundred (600) square feet in size.
 9. The structure shall be anchored to resist floatation, collapse, lateral movement, and overturning.
 10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
 11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

208 . Section 8. Subdivision Requirements

The County Board shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

- A. New subdivisions, manufactured home parks, mobile home parks, annexation agreements, planned unit developments, and additions to manufactured home parks, mobile home parks, and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this regulation.
- B. Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains should be included within parks, open space parcels, or other public grounds.
- C. Any proposal for such development shall include the following data:
 - 1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
 - 2. The boundary of the floodway when applicable.
 - 3. A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 2052).

209 . Section 9. Public Health and Other Standards

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this regulation the following standards apply:
 - 1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.
 - 2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 - 3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - 4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

Critical facilities, which are buildings, constructed or substantially improved within the floodplain or the 0.2 percent annual chance flood elevation when defined, shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 0.2 percent annual chance flood elevation, or three feet above the BFE, whichever is greater. Adequate parking shall be provided for staffing of the critical facilities at or above the BFE or 0.2 percent chance flood, when defined. Access routes to all critical facilities should be reviewed and considered when permitting. Access routes should be elevated to or above the level of the BFE.

Floodproofing and sealing measures may also be used to provide protection, as described in Section 7, and must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Critical Facilities included emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes, and senior care facilities.

Critical Facility means any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

- B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
- C. Dams are classified as to their size and their hazard/damage potential in the event of failure. Permits for dams may be required from IDNR/OWR. Contact IDNR/OWR to determine if a permit is required. If a permit is required, a permit application must be made to IDNR/OWR prior to the construction or major modification of jurisdictional dams.
- D. Letters of Map Revision. The Administrator shall require a CLOMR prior to issuance of a development permit for:
 - 1. Proposed floodway encroachments that will cause an increase in the BFE; and
 - 2. Proposed development which will increase the BFE by more than 0.1 feet in riverine area where FEMA has provided a BFE but no floodway.

Once a CLOMR has been issued, the development permit may be issued for site grading and structures necessary in the area of the map change to achieve the final LOMR. Upon completion, the applicant shall submit as-built certifications, as required by FEMA, to achieve a final LOMR prior to the release of final development permits. Review Section 9E for the construction of buildings in any floodplain issued a LOMR Based on Fill.

- E. When construction of a building following a LOMR Based on Fill is requested, the condition where a site in the floodplain is removed due to the use of fill to elevate the site above the BFE, the applicant may not apply for a permit from the County to construct the lowest floor of a building below the BFE in the floodplain.

210 . Section 10. Carrying Capacity and Notification

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the County shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

300 . Stormwater Detention Regulations

- 301 . Exclusions
- 302 . Maximum Controlled Stormwater Runoff Release Rate
- 303 . Stormwater storage methods
- 304 . Calculations of required stormwater storage
- 305 . Applications for building permits

This section contains the text of **Sec. 50-258. Stormwater detention regulations** of the Natural Hazard Ordinance which are adopted as the Winnebago County Surface Water Management Ordinance, as amended, herein. Its requirements follow:

Developments and impacted areas which increase the amount of impermeable area, such as the construction of roof structures, paved areas or compacted areas, shall be subject to the terms of this article. This section is amended to include Illinois State Water Survey Bulletin 75 that provides frequency estimates and their time distributions.

301. Exclusions

- (1) The following, however, shall not be included:
 - a. Traditional agricultural uses.
 - b. The construction of single-family dwellings on lots or parcels of land which were of record prior to June 24, 1982.
 - c. Modification of single-family dwellings which will continue to be used as single-family dwellings.
 - d. The use of lands adjacent and contiguous to and which discharge directly into the Rock, Pecatonica, Sugar, or Kishwaukee Rivers.
 - e. Improvement of existing roadways which does not increase the number of traffic lanes in the typical cross section of the roadway.
 - f. The cumulative increase of impervious area does not exceed 25,000 square feet as of the establishment of this ordinance on August 24, 2006.
1. Developments and impacted areas with less than 25,000 square feet of cumulative impervious area shall be required to provide best management practices for stormwater management as determined by the Administrator.

302. Maximum Controlled Stormwater Runoff Release Rate

- (2) The maximum controlled stormwater runoff release rate shall not exceed the natural safe stormwater drainage capacity of the downstream system, which has been found to be 0.2 cubic feet per second, per acre in the county. Pipe outlets of less than 12 inches in diameter shall not be allowed. Multiple outlets from a stormwater storage area shall be avoided if they are designed to be less than 12 inches in diameter. Removable orifice plates shall be employed when these pipe size requirements cannot be met.

303. Stormwater Storage Methods

- (3) When the maximum controlled stormwater runoff release rate shall be exceeded, any or all of the following stormwater storage methods shall be provided and constructed:
 - a. *Dry bottom stormwater storage.* The following is the dry bottom stormwater storage method:
 1. Dry bottom stormwater storage areas must be designed to serve a secondary purpose for recreation, open space or similar type of use, which will not be adversely affected by occasional intermittent flooding.
 2. The combination of storage of major floodwater runoff from a 100-year return frequency storm and the allowable release rate shall not result in a storage duration in excess of 48 hours.
 3. Minimum grades for turf areas shall be 0.5 percent (200 units horizontal to one vertical) and maximum side slopes shall be 25 percent (four units horizontal to one unit vertical). Storage area side slopes shall follow the natural land contours as closely as practicable, and a minimum of earth excavation shall be used to create the storage facility.
 4. Temporary seeding or other soil stabilization measures shall be established in the stormwater storage area and major floodwater passageway immediately following the construction or reconstruction of

these areas. During the construction of the overall development, it is recognized that a limited amount of sediment buildup may occur in the stormwater storage area due to erosion. In no case shall the volume of the storage area be reduced to less than three-quarters of the required volume during the construction phase of the development.

5. Permanent erosion control measures such as mulching, hydroseeding, conventional seeding, nurse crops, fertilizing or sod installation shall be utilized to control soil movement and erosion within the storage area and major floodwater passageway. These measures shall meet or exceed the standards established by the county soil and water conservation district. The installation of these permanent measures shall take place only after the majority of construction and other silt- and sediment-producing activities have been completed. Prior to the establishment of the permanent erosion control measures, the required capacity of the stormwater storage area and the excess stormwater passageway shall be restored.
 6. The control structure shall be provided with an interceptor for trash and debris, and it shall be designed and constructed to prevent soil erosion and not to require manual adjustments for its proper operation. An inlet design that will produce turbulent flow conditions during any portion of the stormwater storage cycle will not be acceptable.
 7. Adequate impact stilling basins shall be provided to ensure that downstream soil erosion is alleviated and the regime of the downstream drainage facility is not disturbed.
 8. Each stormwater storage area shall be provided with a method of overflow in the event a storm in excess of the design capacity occurs. This overflow facility shall be constructed to function without specific attention and can become a part of the excess stormwater passageway described in this section.
 9. The entire stormwater storage area shall be designed and constructed to fully protect the public health, safety and welfare. If a condition occurs in the stormwater storage area which is hazardous to the public health, safety or welfare, the person responsible for the condition will be required to provide approved corrective measures. If these corrective measures are not provided, the county may eliminate the hazard at the expense of the person responsible.
 10. Low flow conduits or channels shall be provided in stormwater storage areas. These conduits or channels shall be so constructed that they will not interfere with the secondary usage of the storage area and will reduce the frequency of time that the storage area will be covered with water.
- b. *Wet bottom stormwater storage.* Wet bottom stormwater storage areas shall be designed in compliance with all the regulations which are applicable and govern the construction of dry bottom stormwater storage areas. The following additional regulations shall apply:
1. The water surface area of the permanent pool shall not exceed one-tenth of the area of the tributary watershed.
 2. Protection of the shoreline must be provided to alleviate soil erosion due to wave action.

3. Minimum normal water depth shall be four feet. If fish are to be used to keep the pond clean, at least one- quarter of the pond area shall be a minimum of ten feet deep.
 4. Facilities shall be provided to lower the pond elevation by gravity floor for cleaning purposes and shoreline maintenance.
 5. The control structure for stormwater release shall be designed to operate at full design release rate with only a minor increase in the water depth in order to minimize the land surface wetted by frequent minor stormwater runoff conditions.
 6. Measures shall be included in the design to prevent pond stagnation. This may be accomplished by fountain aeration or some other method used to ensure aerobic pond conditions.
 7. The volume of water permanently stored shall not be considered to be part of the required excess stormwater storage volume.
- c. *Paved stormwater storage.* Design and construction of the pavement base must ensure that there is no pavement damage due to flooding. Control structures in paved areas must be readily accessible for maintenance and cleaning. Vortex control devices will be required.
 - d. *Rooftop stormwater storage.* Rooftop storage of excess stormwater shall be designed and constructed to provide permanent control inlets and parapet walls to contain excess stormwater. Adequate structural roof design must be provided to ensure that roof deflection does not occur which could cause the roofing material to fail and result in leakage. Overflow areas must be provided to ensure that the weight of stored stormwater will never exceed the structural capacity of the roof.
 - e. *Automobile parking stormwater storage areas.* Automobile parking facilities used to store excess stormwater must be constructed having a maximum depth of stored stormwater of 1.5 feet; and these areas shall be located in the most remote, least used areas of the parking facility.
 - f. *Underground stormwater storage.* Underground stormwater storage facilities must be designed for easy access in order to remove accumulated sediment and debris. These facilities must be provided with a positive gravity outlet.

304. Calculations of Required Stormwater Storage

(4) Calculations of required stormwater storage shall be made as follows:

- a. Any generally recognized and substantiated method acceptable to the Administrator may be used for these calculations. The release rate of the outlet structure, when half of the storage area is filled, may be used in lieu of routing techniques in small drainage areas. The control structure shall be designed to maintain as uniform a flow as possible, independent of the stormwater storage volume. Where the proposed structure, project or land development forms only a portion of a watershed or contains portions of several watersheds, the storage volume calculations shall be based upon the area of the entire project, development or land use change. The maximum release rate shall be established by multiplying the total acreage of the tributary watershed by 0.2 cubic foot per second, per acre.
- b. Stormwater storage areas which will be filled to capacity by high-frequency storms shall be designed in a manner that will protect immediate downstream properties, and all overflow structures shall be designed to function properly and effectively without the necessity of making manual adjustments. A larger outlet for stormwater

storage may be permitted by the Administrator for the orderly management of stormwater runoff where large tributary areas are developed without detention.

- c. If the orderly management of the stormwater runoff cannot be achieved by passing the entire tributary area runoff through the stormwater storage area, the stormwater storage area shall be constructed to exclude the runoff from the tributary area originating outside of the area to be developed.

305. Applications for Building Permits

(5) Applications for building permits shall require the following:

- a. Stormwater detention facilities shall be designed by and their construction supervised by a registered professional engineer.
- b. Compliance with this section shall be as provided for in section 50-255. In addition, the following shall be required by the Administrator:
 1. Upon completion of construction, a set of record drawings certified by a registered professional engineer; and
 2. An estimated schedule of development phases.
- c. All applications for building permits shall contain a statement that such buildings or structures and appurtenances connected therewith include facilities for the orderly runoff or retention of rain and melting snow. Plans submitted with the application shall include a signed statement issued by a state registered professional engineer that the plans include facilities adequate to prevent harmful runoff. For single-family dwellings to be located in a subdivision meeting the requirements of this article, the signed statement may, in lieu of other application requirements, be placed on the face of the final plat.
- d. When compliance with the stormwater detention requirements of this article will result in a facility, the volume of which is 0.3 acre-feet or less, the Administrator may waive the requirement for that specific facility.

400 . Post Construction Runoff Quantity Controls

In principle, development plans should minimize those characteristics that result in the increase of stormwater runoff. The amount of impervious cover should be the minimum practical to meet the requirements of building, zoning, and subdivision regulations, those of the County and township highway authorities, and such other regulations as govern development activities.

401: Stormwater Detention is a control currently required by county ordinance. It is recognized that the controlled release rate referred to in these requirements (sec 304) is release to surface water. Some additional loss of inflow to a stormwater detention facility may be provided by some subsurface infiltration technique. The required detention volume can be reduced by such loss provided that:

- 401.1** the loss is based on a conservative estimate of the long term infiltration rate of the soil strata to which infiltration is intended. This analysis shall include conditions of saturated or frozen strata and the probable location of groundwater levels;
- 401.2** additional inspection and certification is guaranteed during the installation process so that the qualifying soil strata is confirmed in place; and that it is not clogged with fine material nor compacted by construction operations;
- 401.3** there is an acceptable maintenance plan for operation of the infiltration technique;
- 401.4** complete failure of the infiltration system does not result in flood hazard within the development or to adjacent properties;

401.5 an acceptable plan for restoration of the maximum controlled release rate is provided for the case of substantial or complete failure of the infiltration system; and

401.6 the prevention of groundwater contamination is reasonably assured.

402: Shallow depressional storage volumes, below a surface gravity outlet, cannot be used to partly or completely replace required stormwater detention storage volumes. Their benefit accrues largely to water quality: capturing small storm events, and filled with water and sediments prior to a major runoff event.

500 . Reserved

600 . Construction Site Erosion and Sediment Control

605 . Section 5. General Principles

608 . Section 8. Erosion and Sediment Control Plan

609 - 612 . Blank

613 . Section 13. Site Design Requirements

614 . Section 14. Inspection

615 . Section 15. Retention of Plans

616 . Section 16. Special Precautions

620 . Summary of Erosion and Sediment Control Requirements

This section contains the text of Sections 5, 8, 13 to 16, and summary of the model **Construction Site Erosion and Sediment Control Ordinance**, drafted and put through public review by the Winnebago County Association for Clean Water Action, WinACWA, 2004; and customized for county government to meet its requirements under NPDES Phase II.

605 . Section 5. General Principles

It is the objective of these regulations to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the County of Winnebago. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not transported from the site by wind erosion or a storm event of ten-year frequency or less. The following principles shall apply to all development activities within the County of Winnebago and to the preparation of the submissions required under Sections 8 and 9 of this ordinance:

- (a) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and existing contours should be followed as closely as possible.
- (b) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to existing watercourses, lakes, ponds, and wetlands should be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.
- (c) Special precautions should be taken to prevent damages that occur due to any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventative measures must be commensurate with the sensitivity of these areas to erosion and sedimentation.
- (d) The smallest practical area of disturbance should be exposed for the shortest practical time during development.

- (e) Sediment basins or traps, filter barriers, diversions, and any other appropriated sediment or runoff control measures should be installed prior to site clearing and grading and maintained to control and remove sediment from run-off waters from land undergoing development.
- (f) The selection of erosion and sedimentation control measures should be based on site limitations, project duration, and other factors to provide the necessary site protection during the construction development activity.
- (g) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance shall be considered.
- (h) Permanent vegetation and runoff control structures shall be installed and functional as soon as practical during development.
- (i) All waste generated as a result of site development activity shall be properly disposed of and should be prevented from being carried off the site by either wind, water, or artificial means.
- (j) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.

608 . Section 8. Erosion and Sediment Control Plan

The Owners of the property or his/her authorized designee shall prepare and submit an **Erosion and Sediment Control Plan** (Plan) to the County of Winnebago at the time of proposed land disturbing activities. These submissions shall be prepared in accordance with the requirements of this Article and the standards and requirements contained in the NPDES Permit No. ILR10 prepared by the Illinois Environmental Protection Agency and the Illinois Urban Manual prepared by the members of the Illinois Urban Manual Technical Review Committee and Steering Committee, and adopted by the Boone and Winnebago County Soil and Water Conservation District, which standards and requirements are hereby incorporated into this ordinance by reference. General guidance can be found in the *Illinois Urban Manual* under the section, ***Non-point Source Pollution Control Processes and Planning Principles***. Each plan shall contain the following information:

- (a) The name(s) address(es) and telephone number(s) of the owner or [and] developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principle contact at such firm.

The owner must sign a copy of the certification statement. The certification must be included in the plan:

“I certify under penalty of law that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment of knowing violations.”

- (b) The name, address and telephone number of the general contractor(s) that have been identified at the time of the submittal. Identify the contractor(s) or subcontractor(s) implementing each measure of the plan. All contractor(s) and subcontractor(s) identified in the plan must sign a copy of the certification statement. All certifications must be included in the plan except for owners acting as contractor(s).

“I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit No. ILR10 and [Chapter 78], Erosion and Sediment Control ordinance that authorizes the storm water discharges associated with the construction activities and site identified as part of this certification.”

- (c) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning, and a legend and scale;
- (d) A development plan of the site showing:
 - (1) Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two-foot contour intervals and clearly portraying the conformation and drainage pattern of the area.
 - (2) The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or man-made features on the site and adjacent land within 100 feet of the boundary.
 - (3) A general description of the predominant soil types on the site, their location, and their limitations for the proposed use.
 - (4) Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation, and filling; finished grades, and street profiles; provisions of storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed.
- (e) Erosion and sediment controls showing all measures necessary to meet the objectives of this ordinance throughout all phases of construction and permanently after completion of development of the site, including:
 - (1) Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details.
 - (2) Plans should ensure existing vegetation is preserved where attainable and disturbed portions of the site are stabilized. Stabilization practices may include, but not limited to: temporary seeding, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.
 - a. Stabilization measures will be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.
 - b. Where construction activity will resume on a portion of the site within 14 days from when activity ceased, (i.e. the total time period that construction activity is temporarily ceased is less than 14 days) then stabilization measures have to be initiated on that portion of the site within one (1) working day and completed as soon as possible, but not later than 14 calendar days from the initiation of stabilization in the work area.

- c. Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently snow cover precludes ease, stabilization measures shall be initiated as soon as practicable.
- (3) Location and description of all runoff control measures, including diversions, waterways, and outlets.
- (4) Location and description of methods to prevent tracking of sediment offsite, including construction entrance details, as appropriate.
- (5) Description of dust and traffic control measures.
- (6) Locations of stockpiles and description of stabilization methods.
- (7) Description of off-site fill or borrow volumes, locations, and methods of stabilization.
- (8) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.
- (f) The proposed phasing of development of the site, including stripping and clearing, rough grading and landscaping. Phasing should identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the County of Winnebago of any significant changes that occur in the site development schedule after the initial erosion and sediment control plan has been approved;
- (g) A copy of the completed Notice of Intent (NOI) required by the Illinois Environmental Protection Agency.
- (h) A copy of the completed Illinois Department of Natural Resources Consultation Agency Action Report.

609 - 612 . Blank

613 . Section 13. Site Design Requirements

On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavation, or fill activities on the site.

- (a) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:
 - (1) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
 - (2) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be restabilized within 48 hours after channel disturbance is completed, interrupted, or stopped.
 - (3) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.
- (b) Sediment traps or anchored filter barriers meeting accepted design standards and specifications outlined in the Illinois Urban Manual shall protect storm sewer inlets and culverts.
- (c) Soil storage piles containing more than 10 cubic yards of material shall not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.

- (d) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.
- (e) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas a minimum of seventy (70) feet long and fourteen (14) feet wide to prevent [minimize] sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.
- (f) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.
- (g) All temporary erosion and sediment control measures shall be disposed of within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

614 . Section 14. Inspection

The Administrator shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant wherein the work fails to comply with the erosion and sedimentation control plans as approved. In order to obtain inspections and to ensure compliance with the approved erosion and sediment control plan and this ordinance, the applicant shall notify the Administrator within two (2) working days of the completion of the construction stages specified below:

- (a) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading,
- (b) After stripping and clearing,
- (c) After rough grading,
- (d) After final grading,
- (e) After seeding and landscaping deadlines, and
- (f) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and /or landscaping are to be done in phases or areas, the applicant shall give notice and request inspection at the completion of each of the above work states in each phase or area.

The County of Winnebago shall also reserve the right to inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall.

615 . Section 15. Retention of Plans

The applicant shall retain copies of plans and all reports for a period of at least three (3) years from the date the site is finally stabilized. The applicant shall also retain a copy of the plan at the construction site from the date of project initiation to the date of final stabilization.

616 . Section 16 Special Precautions

- (a) If at any stage of the grading of any development site the Administrator determines by inspection that the nature of the site is such that further work authorized by an existing building permit is

likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Administrator may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. Special precautions may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

- (b) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the applicant may be required to install temporary structures of take such other measures to protect adjoining property or the public safety.
- (c) Major amendments of the erosion and sediment control plan shall be submitted to the County of Winnebago and shall be processed and approved or disapproved in the same manner as the original plans. The County of Winnebago may authorize field modifications of a minor nature by written authorization to the applicant.

County of Winnebago

SUMMARY OF THE NEW EROSION AND SEDIMENT CONTROL ORDINANCE

Purpose of this document:

- 1. To give contractors, developers, and consultants warning that Winnebago County is implementing a comprehensive erosion and sediment control ordinance.
- 2. This ordinance will prepare developments for the most current NPDES Phase II requirements (March, 2023 or newer).

Main principals of this comprehensive erosion and sediment control ordinance:

- 1. Design developments to fit existing topography and natural drainage patterns
- 2. Protect natural vegetation on site
- 3. Prevent sediment from entering adjacent watercourses
- 4. Reduce the exposure of disturbed soil
- 5. Methods of different erosion control structures and practices
- 6. Continue maintenance of control structures and establish permanent vegetation
- 7. Dispose of waste generated from site development activity
- 8. Reduce storm water runoff velocities
- 9. Prevent sediment on roadways

This comprehensive erosion and sediment control ordinance applies to:

- 1. NPDES Phase II projects after March 2003 (development activity affecting an area greater than or equal to 1 acre).
- 2. Any land disturbing activity that may discharge soil and erosion into any storm water conveyance system.
- 3. If development activity is determined to be causing or contributing to existing or potential new erosion of sediment or impacting the storm water conveyance system.

All erosion and sediment control plans, contained within the ordinance, will require the following:

- 1. Certification Section 8. (a) signed by owner and engineer. Must include principal contact with address and phone number.

2. Certification Section 8. (b) signed by contractor for all NPDES permit projects (contractor may sign the approved erosion and sediment control plan if the project is not under a NPDES permit)
3. Vicinity map of the project
4. A development plan showing:
 - i. Existing topography
 - ii. Location of existing structures, buildings, and waterbodies, etc.
 - iii. Predominant soil types
 - iv. Proposed use of the site
 - v. Appropriate erosion and sediment controls
 - a. Silt fence, sediment basins and traps, earth dikes, drainage swales, check dams, storm drain inlet protection, rock outlet protection, risers, etc.
 - b. Construction entrances
 - c. Stabilization (needs to be implemented within 14 days once construction stops)
 - i.e. temporary seeding, permanent seeding, geotextiles, and sod

Inspection/Enforcement:

1. The principal contact must observe construction to assure the project is following the approved erosion and sediment control plan;
2. The [inspector] shall make regular inspections;
3. The County of Winnebago may require special precautions beyond the approved erosion and sediment control plan;
4. The County of Winnebago will verbally warn the principal contact that an erosion and sediment control plan is not being followed or a “special precaution” is needed;
5. If no action is taken after 3 days of the verbal warning, the County of Winnebago will warn in writing the principal contact of the violation or of the “special precaution”;
6. If no action is taken after 3 days of the written warning, a stop-work order will be issued.

Violations and Penalties:

1. A Certificate of Occupancy permit will not be granted
2. Fine of not more than \$500.00 for each offense

700 . Post Construction Runoff Quality Controls

The County encourages developments that incorporate post construction runoff quality controls (PCRQC's) beneficial to water quality. However, the county has not established means to measure or estimate pollutant loads or rates characteristic of development types nor standards to assess the compliance of outflows. Until the adoption of Total Maximum Daily Loads, or some other design and performance goals, any specific PCRQC's will not be required. But their presence shall be included and described (including maintenance provisions) in the proposed site development plan, with the following provisos:

- 701.1** they are part of the stormwater conveyance system, covered elsewhere in this regulation;
- 701.2** when included in the public rights of way, they must be approved by the appropriate road jurisdiction;
- 701.3** they must not create a nuisance or hazard; and to avoid that perception, the developer shall inform prospective buyers of their existence and operation;
- 701.4** the prevention of groundwater contamination is reasonably assured.

{Low Impact Development Principles: grass swales vs. curb and gutter and storm sewers}

Notwithstanding the conditions for wet- and dry-bottomed stormwater storage areas in Sec 300, the freeboard above a surface water release structure may be used to meet stormwater detention volume requirements.

800 . Reserved

900 . Reserved

999 End of Technical Regulations Adopted by Winnebago County Board

1000 . Surface Water Management Guidance

Under Section 50-249, Administration of the Surface Water Management Ordinance is the responsibility of the Administrator, who has the duty to review plans for developments governed by the ordinance; and the authority to approve or deny permits, or find implementations in violation. In this capacity, the Administrator must exercise sound engineering judgment in areas which go beyond even the detail of the Surface Water Management Technical Regulations. A Surface Water Management Technical Guidance is created as an administrative tool for such areas. Such areas are, for example:

- 1000.1:** Surface water hydraulics and hydrology. Specifically, what techniques, data, coefficients, computer programs, etc. may or may not be acceptable under the circumstances of a given development to adequately estimate the design flow rates for the specified recurrence interval; and then what methods and assumptions could be used to evaluate the capacity of the receiving conveyance system, or
- 1000.2:** Pollutant type and removal rate. Possibly, what pond configuration, filtration media, and/or chemical additives can be expected achieve what pollutant removal rate, operating at what maintenance cycle, with inputs of some volume and contamination level, to meet any future TMDL requirement.
- 1001:** To maintain proficiency in reviewing plans and implementations, the Administrator needs to maintain a knowledge base of proven, scientifically acceptable technology, both analytical and physical; and
- 1002:** Be open to new technologies as they are proven; and
- 1003:** Share that knowledge with applicants.
- 1010:** This guidance may be called by reference, or it can be appended to the Technical Regulations, as herein, for ease of distribution.

1100 . General Guidance

- 1101:** The Illinois Department of Transportation Drainage Manual is recognized as a good reference, both for general techniques and local conditions:

<https://public.powerdms.com/IDOT/tree/documents/2084523>

One should note the ISWS Bulletin 75 Rainfalls are in the Appendix as well as Huff rainfall distributions. It can be downloaded from the University of Illinois Library website:

<https://www.ideals.illinois.edu/items/114209>

1102: The appropriate BMP for a parcel will be based on existing watershed plans within Winnebago County. Watershed plans can be found at the Winnebago County website:

<https://wincoil.gov/departments/highway-department/programs-and-information?highlight=WyJ3YXRlc3NoZWQIXQ>

1200 . Guidance re: Floodplain Regulations

1206: The SWMO acknowledges Statewide Permits issued by IDNR/OWR and the County reserves the discretion to use them as indicators of compliance, but does not adopt them as blanket exemptions outside SFHA's.

IDNR/OWR's threshold of regulation is a drainage area of at least 1 square mile. Winnebago County uses floodway regulations on as small as 5 acres, and defines floodways the same way they are determined in floodplain mapping: i.e. encroachment is defined as 0.1 foot stage increase over 'existing' conditions. This is inconsistent with SWP#2. Also 500 S.F. Accessory Structures under SWP#10 would not be appropriate in a 20-foot-wide drainage easement. Being more restrictive is consistent with 44 CFR 60.3(d) as minimum requirements.

1300 . Guidance re: Stormwater Detention Regulations

1304: The first sentence of paragraph a has been deleted from the original ordinance. Using "shall be...", had been in conflict with the following 2 sentences. It refers to a methodology (modified rational method) that would only be generally recognized for a small drainage area, where "may be..." is operational. The Technical Guidance reflects on this, and the routing techniques mentioned.

The Technical Regulations refer to "routing techniques" for all but "small drainage areas". Operationally, this means insignificant, not only in size but location in the context of current and future development in the drainage basin. Some urban and urbanizing jurisdictions (e.g. Kane Co., which the City of Rockford may emulate in this respect) are requiring the 100-year, 24-hour duration rain, with AMC 2, be routed. The Department is currently open to arguments based on merit for any method, but one should expect that consistency with methods used by an adjacent jurisdiction will carry some weight.

1400 . Post Construction Runoff Quantity Controls

1401: The Administrator's concern is that a soil absorption system relies on conditions which cannot be observed directly. There are possibilities that a poorly envisioned or constructed soil absorption system will not function as its design analysis assumes from the day it is installed. More likely, over time, its performance will be degraded by the accumulation of fine particles or debris. The problem is that a system that operates properly in low-flow conditions, which are seldom a problem with flooding, wouldn't reveal a failure until stressed by high flows, precisely when flood control is needed. On the other hand, a system might work too well, if contaminants are present and not intercepted in some way. For example, direct runoff from a gas station should not be drained directly to a drywell, due to the ordinary accumulation of gas and oil drips, and possibility of more disastrous spills.

NEW BUSINESS

ANNOUNCEMENTS & COMMUNICATIONS



WINNEBAGO COUNTY

— ILLINOIS —

Announcements & Communications

Date: June 13, 2024

Item: Correspondence to the Board

Prepared by: County Clerk Lori Gummow

Governing Statute(s): State of Illinois Counties Code [55 ILCS 5/Div. 3-2, Clerk](#)

County Code: [Ch 2. Art. II. Div. 4, Sec. 2.86 – Record Keeping & Communications](#)

Background: The items listed below were received as correspondence.

1. County Clerk Gummow received from the United States Nuclear Regulatory Commission a Summary of April 11, 2024, Public Meeting with Constellation Energy Generation, LLC Regarding Proposed Alternative to Implement American Society of Mechanical Engineers Operation and Maintenance Code Case OMN-32 (EPID L-2024-LRM-0050)
2. County Clerk Gummow received Monthly Reports from the Winnebago County Recorder's Office and Winnebago County Clerk's Office for May, 2024.

Adjournment