



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2756

by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1062

from Ch. 34, par. 5-1062

55 ILCS 5/5-1062.2

Amends the Counties Code. Changes the application of provisions concerning allowing management and mitigation of the effects of urbanization on stormwater drainage in metropolitan counties located in the area served by the Northeastern Illinois Planning Commission to those located in the area served by the Chicago Metropolitan Agency for Planning. Authorizes all counties (currently, only specified counties) to adopt stormwater management plans. Provides that counties' minimum standards for floodplain and stormwater management should have an emphasis on the use of cost effective, nature-based solutions and provides examples of such solutions. Provides that the stormwater management plans shall evaluate water quality and flooding problems caused by urban flooding. Defines "urban flooding" as the flooding of public and private land in urban areas that results from stormwater or snowmelt runoff overwhelming the existing drainage infrastructure, unrelated to the overflow of any river or lake, whether or not that land is located in or near a floodplain. Provides that a stormwater management planning committee may make grants to units of local government and landowners under specified conditions.

LRB100 10268 AWJ 20454 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning local government.

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

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

6 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)
7 Sec. 5-1062. Stormwater management.

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

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

19 (2) setting minimum standards for floodplain and
20 stormwater management with an emphasis on the use of cost
21 effective, nature-based solutions to water quality and
22 flooding problems, including, but not limited to, those
23 solutions that restore or enhance the natural hydrologic

1 cycle by increasing infiltration, evapotranspiration, and
2 the collection of runoff for reuse as appropriate
3 considering the local conditions; and

4 (3) preparing a countywide plan for the management of
5 stormwater runoff, including the management of natural and
6 man-made drainageways. The countywide plan may incorporate
7 watershed plans and shall evaluate and address the water
8 quality and flooding problems that exist in urban areas
9 that are a result of urban flooding.

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

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

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

18 The principal duties of the committee shall be to develop a
19 stormwater management plan for presentation to and approval by
20 the county board, and to direct the plan's implementation and
21 revision. The committee may retain engineering, legal and
22 financial advisors and inspection personnel. The committee
23 shall meet at least quarterly and shall hold at least one
24 public meeting during the preparation of the plan and prior to
25 its submittal to the county board. The committee may make
26 grants: (1) to units of local government that are members in

1 the Federal Emergency Management Agency's National Flood
2 Insurance Program and have adopted an ordinance requiring
3 actions consistent with the stormwater management plan; and (2)
4 to landowners for the purposes of stormwater management,
5 including special projects. Use of the grant money must be
6 consistent with the stormwater management plan.

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

17 (d) (Blank).

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

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

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

25 (f) The county board may prescribe by ordinance reasonable
26 rules and regulations for floodplain or stormwater management

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

9 (g) In accordance with, and if recommended in, the adopted
10 stormwater management plan, the county board may adopt a
11 schedule of fees as may be necessary to mitigate the effects of
12 increased stormwater runoff resulting from new development.
13 The fees shall not exceed the cost of satisfying the onsite
14 stormwater retention or detention requirements of the adopted
15 stormwater management plan. The fees shall be used to finance
16 activities undertaken by the county or its included
17 municipalities to mitigate the effects of urban stormwater
18 runoff by providing regional stormwater retention or detention
19 facilities, as identified in the county plan. All such fees
20 collected by the county shall be held in a separate fund, and
21 shall be expended only in the watershed within which they were
22 collected.

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

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

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

17 However, unless at least part of the county has been
18 declared after July 1, 1986 by presidential proclamation to be
19 a disaster area as a result of flooding, the tax authorized by
20 this subsection (h) shall not be levied until the question of
21 its adoption, either for a specified period or indefinitely,
22 has been submitted to the electors thereof and approved by a
23 majority of those voting on the question. This question may be
24 submitted at any election held in the county after the adoption
25 of a resolution by the county board providing for the
26 submission of the question to the electors of the county. The

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

9 -----

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

17 -----

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

24 However, any active drainage district implementing a plan
 25 that is consistent with and at least as stringent as the county
 26 stormwater management plan may petition the stormwater

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

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

1 county, and the debts of the former drainage district shall be
2 discharged as soon as practicable.

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

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

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

24 (k) Upon petition of the municipality, and based on a
25 finding of the stormwater management planning committee, the
26 county shall not enforce rules and regulations adopted by the

1 county in any municipality located wholly or partly within the
2 county that has a municipal stormwater management ordinance
3 that is consistent with and at least as stringent as the county
4 plan and ordinance, and is being enforced by the municipal
5 authorities.

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

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

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

21 (o) Pursuant to paragraphs (g) and (i) of Section 6 of
22 Article VII of the Illinois Constitution, this Section
23 specifically denies and limits the exercise of any power which
24 is inconsistent herewith by home rule units in any county with
25 a population of less than 1,500,000 in the area served by the
26 Chicago Metropolitan Agency for Planning ~~Northeastern Illinois~~

1 ~~Planning Commission~~. This Section does not prohibit the
2 concurrent exercise of powers consistent herewith.

3 (p) As used in this Section:

4 "Urban flooding" means the flooding of public and private
5 land in urban communities that results from stormwater or
6 snowmelt runoff overwhelming the existing drainage
7 infrastructure, unrelated to the overflow of any river or lake,
8 whether or not that land is located in or near a floodplain.

9 "Urban area" means a census block with a population density
10 of 1,000 or more people per square mile and any group of
11 contiguous census blocks around the core having a density of
12 500 or more people per square mile.

13 (Source: P.A. 97-916, eff. 8-9-12.)

14 (55 ILCS 5/5-1062.2)

15 Sec. 5-1062.2. Stormwater management.

16 (a) The purpose of this Section is to allow management and
17 mitigation of the effects of urbanization on stormwater
18 drainage in all counties not granted such authority under
19 Sections 5-1062 and Section 5-1062.3 of this Code ~~the~~
20 ~~metropolitan counties of Madison, St. Clair, Monroe, Kankakee,~~
21 ~~Grundy, LaSalle, DeKalb, Kendall, and Boone and references to~~
22 ~~"county" in this Section apply only to those counties.~~ This
23 Section does not apply to counties in the Chicago Metropolitan
24 Agency for Planning ~~Northeastern Illinois Planning Commission~~
25 that are granted authorities in Section 5-1062. The purpose of

1 this Section shall be achieved by:

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

4 (2) Setting minimum standards for floodplain and
5 stormwater management, with an emphasis on the use of cost
6 effective, nature-based solutions to water quality and
7 flooding problems, including, but not limited to, those
8 solutions that restore or enhance the natural hydrologic
9 cycle by increasing infiltration, evapotranspiration, and
10 the collection of runoff for reuse as appropriate
11 considering the local conditions.

12 (3) Preparing a countywide plan for the management of
13 stormwater runoff, including the management of natural and
14 man-made drainageways. The countywide plan may incorporate
15 watershed plans and shall evaluate and address the water
16 quality and flooding problems that exist in urban areas
17 that are a result of urban flooding.

18 (b) A stormwater management planning committee may be
19 established by county board resolution, with its membership
20 consisting of equal numbers of county board and municipal
21 representatives from each county board district, and such other
22 members as may be determined by the county and municipal
23 members. If the county has more than 6 county board districts,
24 however, the county board may by ordinance divide the county
25 into not less than 6 areas of approximately equal population,
26 to be used instead of county board districts for the purpose of

1 determining representation on the stormwater management
2 planning committee.

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

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

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

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

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

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

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

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

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

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

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

1 valid National Pollution Discharge Elimination System permit
2 issued under the Environmental Protection Act.

3 (h) In accordance with, and if recommended in, the adopted
4 stormwater management plan, the county board may adopt a
5 schedule of fees as may be necessary to mitigate the effects of
6 increased stormwater runoff resulting from new development
7 based on actual costs. The fees shall not exceed the cost of
8 satisfying the onsite stormwater retention or detention
9 requirements of the adopted stormwater management plan. The
10 fees shall be used to finance activities undertaken by the
11 county or its included municipalities to mitigate the effects
12 of urban stormwater runoff by providing regional stormwater
13 retention or detention facilities, as identified in the county
14 plan. The county board shall provide for a credit or reduction
15 in fees for any onsite retention, detention, drainage district
16 assessments, or other similar stormwater facility that the
17 developer is required to construct consistent with the
18 stormwater management ordinance. All these fees collected by
19 the county shall be held in a separate fund, and shall be
20 expended only in the watershed within which they were
21 collected.

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

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

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

18 However, the tax authorized by this subsection shall not be
19 levied until the question of its adoption, either for a
20 specified period or indefinitely, has been submitted to the
21 electors thereof and approved by a majority of those voting on
22 the question. This question may be submitted at any election
23 held in the county after the adoption of a resolution by the
24 county board providing for the submission of the question to
25 the electors of the county. The county board shall certify the
26 resolution and proposition to the proper election officials,

1 who shall submit the proposition at an election in accordance
2 with the general election law. If a majority of the votes cast
3 on the question is in favor of the levy of the tax, it may
4 thereafter be levied in the county for the specified period or
5 indefinitely, as provided in the proposition. The question
6 shall be put in substantially the following form:

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

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

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

20 Votes shall be recorded as Yes or No.

21 (j) For those counties that adopt a property tax in
22 accordance with the provisions in this Section, the stormwater
23 management committee shall offer property tax abatements or
24 incentive payments to property owners who construct, maintain,
25 and use approved stormwater management devices. For those
26 counties that adopt use and occupation taxes in accordance with

1 the provisions of this Section, the stormwater management
2 committee may offer tax rebates or incentive payments to
3 property owners who construct, maintain, and use approved
4 stormwater management devices. The stormwater management
5 committee is authorized to offer credits to the property tax,
6 if applicable, based on authorized practices consistent with
7 the stormwater management plan and approved by the committee.
8 Expenses of staff of a stormwater management committee that are
9 expended on regulatory project review may be no more than 20%
10 of the annual budget of the committee, including funds raised
11 under subsections (h) and (i).

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

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

1 that is consistent with and at least as stringent as the county
2 plan and ordinance, and is being enforced by the municipal
3 authorities. On issues that the county ordinance is more
4 stringent as deemed by the committee, the county shall only
5 enforce rules and regulations adopted by the county on the more
6 stringent issues and accept municipal permits. The county shall
7 have no more than 60 days to review permits or the permits
8 shall be deemed approved.

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

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

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

24 (p) As used in this Section:

25 "Urban flooding" means the flooding of public and private
26 land in urban communities that results from stormwater or

1 snowmelt runoff overwhelming the existing drainage
2 infrastructure, unrelated to the overflow of any river or lake,
3 whether or not that land is located in or near a floodplain.

4 "Urban areas" means a census block with a population
5 density of 1,000 or more people per square mile and any group
6 of contiguous census blocks around the core having a density of
7 500 or more people per square mile.

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