

To: Shannon Malik Jarmusz Date: June 11, 2019  
From: Mark Wesolowski, PE, CFM  
Subject: DuPage County Stormwater Amendment Project No. 13-077

On February 5, 2019 the Village Board approved Ordinance 1905-19, An Ordinance Adopting the DuPage County Countywide Stormwater and Flood Plain Ordinance and All Future Amendments, which amended the Village of Itasca Art. 153.02 with auto adoption of any revisions to the DuPage County Ordinance.

Contrary to the initial direction presented at various meetings, we recently received notification from the Illinois Department of Natural Resources (IDNR) that auto adoption of the DuPage County ordinance is not acceptable, and the Ordinance needs to be revised to include specific dates of the revised DuPage County ordinance along with the revised Federal Emergency Management Agency (FEMA) maps.

We have prepared an ordinance which references the approved date of the revised DuPage County Ordinance and FEMA Firm maps and reports. We have also submitted the draft ordinance to the IDNR and have received correspondence that the ordinance is acceptable.

A redlined version of Ordinance 1905-19 along with a final draft ordinance is attached.

Future revisions to the DuPage County Ordinance pertaining to the flood plain mapping will need to be adopted separately, with a similar ordinance, as opposed auto adoption.  
with specific dates of the revised ordinance and maps.

This ordinance needs to be approved and submitted to the IDNR prior to August 1, 2019 to remain in compliance with the National Flood Insurance Program (NFIP)

**ORDINANCE NO. ~~1905XXXX~~-19**

**AN ORDINANCE ADOPTING BY REFERENCE, THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOOD PLAIN ORDINANCE ~~AND ALL FUTURE AMENDMENTS TO THE ORDINANCE~~**

WHEREAS, The Village of Itasca, (hereinafter "the Village") is a non-home rule municipality organized under the provisions of the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, Chapter 153 of the Village of Itasca Code of Ordinances, entitled Flood Damage Prevention, sets forth provisions relating to the Village's adoption of the County of DuPage's Countywide Stormwater and Flood Plain Ordinance ("County Ordinance"), adopted as Appendix F to the DuPage County Stormwater Management Plan, and the Village's status as a partial waiver community for the purposes of enforcing the County Ordinance; and

WHEREAS, the County of DuPage has adopted certain amendments to the County Ordinance over the years and is anticipating adopting further amendments to the County Ordinance in the future; and

WHEREAS, the corporate authorities of the Village have determined that it is in the best interest of the Village to adopt the current and future amendments to the County Ordinance; and

WHEREAS, the corporate authorities of the Village have determined that the current and future amendments to the County Ordinance will in no way impair or compromise, and are in furtherance of, the public safety, health and general welfare of the residents of the Village of Itasca.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The corporate authorities hereby amend Section 153.02 of the Itasca Code of Ordinances as follows:

**§ 153.02 ADOPTION OF COUNTY ORDINANCE BY REFERENCE; COMPLIANCE.**

- (A) In order to assure that the provisions of the existing ordinances of the Village and those which may be adopted in the future are consistent with and at least as stringent as the DuPage County Stormwater Management Plan and the Countywide Stormwater and Flood Plain Ordinance, the Corporate Authorities do hereby adopt the Countywide Stormwater and Flood Plain Ordinance as most recently amended by the County of DuPage on May 14, 2019 ~~currently revised by the County Board on April 23, 2019 with amendments which are attached hereto and made a part of this chapter as~~ if set out fully herein . The County Ordinance is adopted by reference, with the amendments adopted as a specific and integral part of this chapter. The provisions adopted by this section shall be in full force and effect and shall supersede any other ordinances of the municipality with which they are inconsistent or which are less stringent than the terms of this chapter.

Ord ~~1905XXXX~~-19 - Adoption of DuPage Stormwater Ordinance

- (B) Section 6.05 of the Village Development Standards and Specifications shall be amended concurrently with this chapter, and, the amended Section 6.05 shall serve as Appendix A, as attached to Ordinance 1208-04, passed 11-2-04.
- (C) Any new annexation or pre-annexation agreement entered into by this municipality after such time as this chapter is in full force and effect shall require that every developer comply with the stormwater standards of this chapter or as this chapter may be amended in the future to make its terms consistent with the County Ordinance which shall apply to any plat of subdivision within such newly annexed territory.
- (D) The Corporate Authorities agree that the Village will be bound by the rules and procedures of the County Ordinance, including without limitation, the Committee procedures for reasserting county jurisdiction over stormwater management within the jurisdiction of this municipality.

~~(E) Any amendment to the DuPage Countywide Stormwater and Flood Plain Ordinance that becomes effective after the passage of this ordinance shall be incorporated into this ordinance by reference and shall be applicable to all Villages Ordinances and Development Standards and Specifications. The Village of Itasca hereby adopts the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) Panels 0056, 0057, 0058, 0059, 0076, and 0078 with an effective date of August 1, 2019 and the FEMA Flood Insurance Study (FIS) report for DuPage County, Illinois and Incorporated Areas with an effective date of August 1, 2019. The provisions adopted by this section shall be in full force and effect and shall supersede any other ordinances of the municipality with which they are inconsistent or which are less stringent than the terms of this chapter.~~

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SECTION TWO: All references to the "County Ordinance" contained in Chapter 153 of the Village of Itasca Code of Ordinances shall be deemed to incorporate the amendments to the DuPage Countywide Stormwater and Flood Plain Ordinance adopted herein.

SECTION THREE: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION FOUR: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

AYES: \_\_\_\_\_

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NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this \_\_\_\_ day of ~~February~~July, 2019.

APPROVED:

\_\_\_\_\_  
Jeffery J. Pruyin, Village President

ATTEST:

\_\_\_\_\_  
Jodi Conдини, Village Clerk

**ORDINANCE NO. 1905.1-19**

**AN ORDINANCE ADOPTING BY REFERENCE, THE DUPAGE COUNTY  
COUNTYWIDE STORMWATER AND FLOOD PLAIN ORDINANCE**

WHEREAS, The Village of Itasca, (hereinafter "the Village") is a non-home rule municipality organized under the provisions of the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, Chapter 153 of the Village of Itasca Code of Ordinances, entitled Flood Damage Prevention, sets forth provisions relating to the Village's adoption of the County of DuPage's Countywide Stormwater and Flood Plain Ordinance ("County Ordinance"), adopted as Appendix F to the DuPage County Stormwater Management Plan, and the Village's status as a partial waiver community for the purposes of enforcing the County Ordinance; and

WHEREAS, the County of DuPage has adopted certain amendments to the County Ordinance over the years and is anticipating adopting further amendments to the County Ordinance in the future; and

WHEREAS, the corporate authorities of the Village have determined that it is in the best interest of the Village to adopt the current and future amendments to the County Ordinance; and

WHEREAS, the corporate authorities of the Village have determined that the current and future amendments to the County Ordinance will in no way impair or compromise, and are in furtherance of, the public safety, health and general welfare of the residents of the Village of Itasca.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The corporate authorities hereby amend Section 153.02 of the Itasca Code of Ordinances as follows:

**§ 153.02 ADOPTION OF COUNTY ORDINANCE BY REFERENCE; COMPLIANCE.**

- (A) In order to assure that the provisions of the existing ordinances of the Village and those which may be adopted in the future are consistent with and at least as stringent as the DuPage County Stormwater Management Plan and the Countywide Stormwater and Flood Plain Ordinance, the Corporate Authorities do hereby adopt the DuPage County Countywide Stormwater and Flood Plain Ordinance as most recently amended by the County of DuPage on May 14, 2019, as if set out fully herein. The County Ordinance is adopted by reference, with the amendments adopted as a specific and integral part of this chapter. The provisions adopted by this section shall be in full force and effect and shall supersede any other ordinances of the municipality with which they are inconsistent or which are less stringent than the terms of this chapter.
- (B) Section 6.05 of the Village Development Standards and Specifications shall be amended concurrently with this chapter, and, the amended Section 6.05 shall serve as Appendix A, as attached to Ordinance 1208-04, passed 11-2- 04.
- (C) Any new annexation or pre-annexation agreement entered into by this municipality after such time as this chapter is in full force and effect shall require that every developer comply with the stormwater standards of this chapter or as this chapter may be amended

in the future to make its terms consistent with the County Ordinance which shall apply to any plat of subdivision within such newly annexed territory.

(D) The Corporate Authorities agree that the Village will be bound by the rules and procedures of the County Ordinance, including without limitation, the Committee procedures for reasserting county jurisdiction over stormwater management within the jurisdiction of this municipality.

(E) The Village of Itasca hereby adopts the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) Panels 0056, 0057, 0058, 0059, 0076, and 0078 with an effective date of August 1, 2019 and the FEMA Flood Insurance Study (FIS) report for DuPage County, Illinois and Incorporated Areas with an effective date of August 1, 2019. The provisions adopted by this section shall be in full force and effect and shall supersede any other ordinances of the municipality with which they are inconsistent or which are less stringent than the terms of this chapter.

SECTION TWO: All references to the "County Ordinance" contained in Chapter 153 of the Village of Itasca Code of Ordinances shall be deemed to incorporate the amendments to the DuPage Countywide Stormwater and Flood Plain Ordinance adopted herein.

SECTION THREE: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION FOUR: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 18<sup>th</sup> day of July, 2019.

APPROVED:

\_\_\_\_\_  
Jeffery J. Pruyn, Village President

ATTEST:

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Jodi Condini, Village Clerk