



Municipal Expertise. Community Commitment.

MEMO

To: Shannon Malik Jarmusz Date: January 14, 2014

From: Mark Wesolowski, PE, CFM

Subject: DuPage County Stormwater Amendment Project No. 13-077

The Village of Itasca Code of Ordinance currently adopts of the DuPage County Stormwater Management Plan and County Ordinance by reference in Art. 153.02. Periodically, DuPage County amends their ordinance, and the Village subsequently is required to be amended the Village Code. After conferring with legal counsel, it is our recommended that the Village amend the current ordinance (Art. 153.02) such that the reference to the DuPage County Stormwater & Flood Plan Ordinance is to the latest edition (including all amendments), as opposed to adopting each individual amendment that DuPage County approves. With the recommended Village Code amendment, all future DuPage County amendments to the Stormwater & Flood Plain Ordinance will be automatically incorporated by the latest edition reference, (including all amendments), and there will no longer be a need for separate amendments, or any gaps in what was approved by the County versus the Village.

It is our understanding that DuPage County will be issuing multiple amendments this year to the Countywide Stormwater and Flood Plain Ordinance for various stormwater items along with adopting the new floodplain maps once the FEMA Letter of Final Determination is issued. This single Ordinance amendment will address these upcoming revisions to the countywide ordinance along with any future amendments.

ORDINANCE NO. 1905-19

**AN ORDINANCE ADOPTING 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 currently revised by the County Board on April 23, 2013~~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.

- (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.

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 _____ day of February, 2019.

APPROVED:

Jeffery J. Pruyn, Village President

ATTEST:

Jody Conidi, Village Clerk