

VILLAGE OF BLOOMINGDALE
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. 75- 10

AN ORDINANCE REGULATING THE
INTERFERENCE WITH STORM DITCHES
AND REQUIRING A PERMIT THEREFOR

PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF
BLOOMINGDALE, DU PAGE
COUNTY, ILLINOIS, THIS 24th
DAY OF March, 1975.

PUBLISHED IN PAMPHLET FORM
BY AUTHORITY OF THE MAYOR
AND BOARD OF TRUSTEES OF
THE VILLAGE OF BLOOMINGDALE,
ILLINOIS, THIS 24th DAY OF
March, 1975.


VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
VILLAGE OF BLOOMINGDALE)

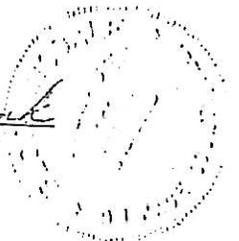
CERTIFICATE

I, KATHERINE E. FUNK, Village Clerk of the Village of
Bloomingdale, Illinois, certify:

1. The foregoing is a copy of an
Ordinance passed by the President and
Board of Trustees of the Village of
Bloomingdale, Illinois, at a regular
meeting of said Board of Trustees held
March 24, 1975. Said Ordinance
was signed and approved by the President
of said Village on March 24, 1975.
2. The original of said Ordinance is
entrusted to me as Clerk of said Village
for my safekeeping and I am the lawful
keeper and custodian thereof.

WITNESS my hand and seal of said Village,
February 18, 1976.

Katherine E. Funk
Katherine E. Funk,
Village Clerk,
VILLAGE OF BLOOMINGDALE



ORDINANCE NO. 75 - 10

AN ORDINANCE REGULATING THE
INTERFERENCE WITH STORM DITCHES
AND REQUIRING A PERMIT THEREFOR

WHEREAS, the Village desires to maintain proper and adequate storm drainage facilities in residential areas; and

WHEREAS, inadequate storm drainage may cause substantial and costly damage to occur to private property as well as to public streets and highways; and

WHEREAS, inadequate storm drainage may be a cause of increased insect population leading to health and related problems as well as affecting the quality of life in the Village of Bloomingdale; and

WHEREAS, certain natural growth has caused obstructions in storm ditches in parts of the Village; and

WHEREAS, certain activities of property owners with respect to storm ditches have resulted in an obstruction of the flow of certain storm ditches in the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BLOOMINGDALE, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: Definition. The term "storm ditch" shall mean open storm drainage facilities, or any storm drainage facilities which were open when first constructed, contained in the right-of-way of the Municipal Highway System, as defined in Chapter 121, Section 2-104, Illinois Revised Statutes (1973), or contained in public drainage easements.

SECTION 2: Duty to Maintain Storm Ditches.

(a) It shall be the duty of the Village to maintain all residential storm ditch facilities located within public

right-of-way or within public easements in their original condition to insure proper drainage.

(b) Pursuant to the subsequent provisions of this Ordinance, it shall be the duty of every property owner and lessee of property in the Village with a storm ditch facility located abutting his property, that has altered or who alters in the future the original condition of such ditch, to maintain the storm ditch so that the drainage capacity remains equal to or greater than the maximum capacity that the ditch could previously handle.

SECTION 3: Permit Required. No person, firm or corporation shall obstruct, interfere with or in any way alter any storm ditch in the Village of Bloomingdale without first securing a permit as required herein. Application for such permit shall be made in writing to the Village Clerk on forms to be supplied by the Village, a copy of which is attached hereto, marked as Exhibit A, and by reference is made a part of this Ordinance.

SECTION 4: Standards Required. Any such improvements must be approved prior to the issuance of a permit by the Village Engineer on the basis of inspection of plans and on-site inspection by the Village. The Village Engineer shall approve those applications which, in his judgment, will result in a drainage flow at least as large as that handled by the existing unobstructed storm ditch at each particular site. Any improvement which is substantially identical to the proposed drainage facility plan attached to this Ordinance, marked as Exhibit B and by reference made a part hereof, will be presumed to be adequate, subject to on-site inspections and approval of the plans by the Village Engineer.

SECTION 5: Covenants Required. In addition to the requirements of Sections 3 and 4 of this Ordinance, no permit shall be issued until the applicant has executed an agreement containing the following terms. Such agreement shall be in consideration for the issuance of permit as provided herein, and shall provide: 1) to the best of the applicant's knowledge and belief, the proposed improvement will provide drainage equal to the storm ditch in its original condition; 2) the applicant will maintain the improved drainage facility so that drainage remains unimpaired at all times; 3) if the applicant ever fails to maintain the ditch, the Village may, at the Village's option, maintain the facility or remove the improvement and restore the ditch to its original condition, at the expense of the applicant; 4) the applicant will place a copy of these agreements of record with the DuPage County Recorder's office with respect to the property abutting the ditch for which a permit is issued.

SECTION 6: Final Approval. Such permit shall be effective only for a period of six months and actual construction of the improvement shall begin within this period. After such six-month period, a new permit shall be required. The completion of any such improvement must be reported to the Village for the purpose of a final inspection by the Village Engineer to determine that the improvement is as indicated in the application. If so, final approval shall be granted. If the Village Engineer determines that the improvement as constructed differs from the plans submitted by the applicant in such a manner that drainage will be impaired, the applicant shall have 30 days to correct the improvement as indicated by the Engineer. Failure to either correct or restore the ditch to its original condition within said 30 days shall constitute a violation of this Ordinance.

SECTION 7: Permit Fee. There shall be a permit fee of \$ None, payable at the time of application for the permit. Such fee is for the purpose of recovering the cost of inspection and approval of the improvement, and is non-refundable.

SECTION 8: Permits for Ditches Altered Prior to the Effective Date of this Ordinance. Except where a valid, existing contract with the Village provides otherwise, all property owners who have previously altered storm ditches abutting their property shall obtain a permit for such alteration as hereinbefore provided within six months after the effective date of this Ordinance. If an application for such permit is not made within the required time, the Village may give notice to such owners that if application is not made within 30 days of the date of notice, the Village may restore the ditch to its original condition in order to facilitate maintenance of free drainage by the Village.

SECTION 9: Subsequent Owner. When any subsequent owner of land abutting a storm drainage ditch altered pursuant to this Ordinance neglects or refuses to maintain the facility, the Village may give notice that the ditch will be restored to its original condition by the Village if an agreement as provided in Section 5 herein is not executed by such owners in 30 days.

SECTION 10: Violations. Any person, firm or corporation who violates, neglects or refuses to comply with or who resists the enforcement of this Ordinance, shall, upon conviction, be fined a maximum of \$250.00 for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

SECTION 11: Conflict. All ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 12: Effective Date. This Ordinance shall be in full force and effect from and after its passage in pamphlet form, approval and publication as provided by law.

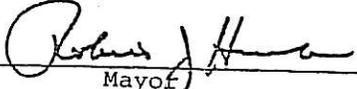
PASSED this 24th day of March, 1975.

Trustees
AYES: Dombrowski, Perry, Engeriser, King and Perry

NAYS: None

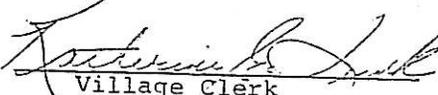
ABSENT: Trustee Gretzinger

APPROVED this 24th day of March, 1975.



Mayor

ATTEST:



Village Clerk