



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1507

Introduced 2/9/2017, by Sen. Heather A. Steans

#### 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 10267 AWJ 20453 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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.)