



Sen. Sue Rezin

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10000SB1337sam002

LRB100 07731 AWJ 25525 a

1 AMENDMENT TO SENATE BILL 1337

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1337, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Counties Code is amended by changing  
6 Sections 5-1062, 5-1062.2, and 5-1062.3 as follows:

7 (55 ILCS 5/5-1062) (from Ch. 34, par. 5-1062)

8 Sec. 5-1062. Stormwater management.

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

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

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

24 The county board members shall be appointed by the chairman  
25 of the county board. Municipal members from each county board  
26 district or other represented area shall be appointed by a

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

21 The principal duties of the committee shall be to develop a  
22 stormwater management plan for presentation to and approval by  
23 the county board, and to direct the plan's implementation and  
24 revision. The committee may retain engineering, legal and  
25 financial advisors and inspection personnel. The committee  
26 shall meet at least quarterly and shall hold at least one

1 public meeting during the preparation of the plan and prior to  
2 its submittal to the county board. The committee may make  
3 grants to: (1) units of local government; (2) not-for-profit  
4 organizations; and (3) landowners. In order for a municipality  
5 located partially or wholly within a mapped floodplain to  
6 receive grant moneys, the municipality must be a member in the  
7 Federal Emergency Management Agency's National Flood Insurance  
8 Program. A municipality receiving grant moneys must have  
9 adopted an ordinance requiring actions consistent with the  
10 stormwater management plan. Use of the grant moneys must be  
11 consistent with the stormwater management plan.

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

22 (d) (Blank).

23 (e) Prior to recommending the plan to the county board, the  
24 stormwater management planning committee shall hold at least  
25 one public hearing thereon and shall afford interested persons  
26 an opportunity to be heard. The hearing shall be held in the

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

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

1 stormwater management plan, amendment of the plan shall require  
2 an affirmative vote of at least two-thirds of the county board  
3 members present and voting.

4 (f) The county board may prescribe by ordinance reasonable  
5 rules and regulations for floodplain or stormwater management  
6 and for governing the location, width, course and release rate  
7 of all stormwater runoff channels, streams and basins in the  
8 county, in accordance with the adopted stormwater management  
9 plan. These rules and regulations shall, at a minimum, meet the  
10 standards for floodplain management established by the Office  
11 of Water Resources and the requirements of the Federal  
12 Emergency Management Agency for participation in the National  
13 Flood Insurance Program.

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

1 collected.

2 (h) For the purpose of implementing this Section and for  
3 the development, design, planning, construction, operation and  
4 maintenance of stormwater facilities provided for in the  
5 stormwater management plan, a county board that has established  
6 a stormwater management planning committee pursuant to this  
7 Section may cause an annual tax of not to exceed 0.20% of the  
8 value, as equalized or assessed by the Department of Revenue,  
9 of all taxable property in the county to be levied upon all the  
10 taxable property in the county. The tax shall be in addition to  
11 all other taxes authorized by law to be levied and collected in  
12 the county and shall be in addition to the maximum tax rate  
13 authorized by law for general county purposes. The 0.20%  
14 limitation provided in this Section may be increased or  
15 decreased by referendum in accordance with the provisions of  
16 Sections 18-120, 18-125, and 18-130 of the Property Tax Code.

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

22 However, unless at least part of the county has been  
23 declared after July 1, 1986 by presidential proclamation to be  
24 a disaster area as a result of flooding, the tax authorized by  
25 this subsection (h) shall not be levied until the question of  
26 its adoption, either for a specified period or indefinitely,

1 has been submitted to the electors thereof and approved by a  
 2 majority of those voting on the question. This question may be  
 3 submitted at any election held in the county after the adoption  
 4 of a resolution by the county board providing for the  
 5 submission of the question to the electors of the county. The  
 6 county board shall certify the resolution and proposition to  
 7 the proper election officials, who shall submit the proposition  
 8 at an election in accordance with the general election law. If  
 9 a majority of the votes cast on the question is in favor of the  
 10 levy of the tax, it may thereafter be levied in the county for  
 11 the specified period or indefinitely, as provided in the  
 12 proposition. The question shall be put in substantially the  
 13 following form:

14 -----  
 15 Shall an annual tax be levied  
 16 for stormwater management purposes YES  
 17 (for a period of not more than  
 18 ..... years) at a rate not exceeding -----  
 19 .....% of the equalized assessed  
 20 value of the taxable property of NO  
 21 ..... County?  
 22 -----

23 (i) Upon the creation and implementation of a county  
 24 stormwater management plan, the county may petition the circuit  
 25 court to dissolve any or all drainage districts created  
 26 pursuant to the Illinois Drainage Code or predecessor Acts



1 which are located entirely within the area of the county  
2 covered by the plan.

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

26       The dissolution of any drainage district shall not affect

1 the obligation of any bonds issued or contracts entered into by  
2 the district nor invalidate the levy, extension or collection  
3 of any taxes or special assessments upon the property in the  
4 former drainage district. All property and obligations of the  
5 former drainage district shall be assumed and managed by the  
6 county, and the debts of the former drainage district shall be  
7 discharged as soon as practicable.

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

18 The operations of any drainage district that continues to  
19 exist in a county that has adopted a stormwater management plan  
20 in accordance with this Section shall be in accordance with the  
21 adopted plan.

22 (j) Any county that has adopted a county stormwater  
23 management plan under this Section may, after 10 days written  
24 notice to the owner or occupant, enter upon any lands or waters  
25 within the county for the purpose of inspecting stormwater  
26 facilities or causing the removal of any obstruction to an

1 affected watercourse. The county shall be responsible for any  
2 damages occasioned thereby.

3 (k) Upon petition of the municipality, and based on a  
4 finding of the stormwater management planning committee, the  
5 county shall not enforce rules and regulations adopted by the  
6 county in any municipality located wholly or partly within the  
7 county that has a municipal stormwater management ordinance  
8 that is consistent with and at least as stringent as the county  
9 plan and ordinance, and is being enforced by the municipal  
10 authorities.

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

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

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

26 (o) Pursuant to paragraphs (g) and (i) of Section 6 of

1 Article VII of the Illinois Constitution, this Section  
2 specifically denies and limits the exercise of any power which  
3 is inconsistent herewith by home rule units in any county with  
4 a population of less than 1,500,000 in the area served by the  
5 Chicago Metropolitan Agency for Planning ~~Northeastern Illinois~~  
6 ~~Planning Commission~~. This Section does not prohibit the  
7 concurrent exercise of powers consistent herewith.

8 (p) As used in this Section:

9 "Urban flooding" means the flooding of public and private  
10 land in urban communities that results from stormwater or  
11 snowmelt runoff overwhelming the existing drainage  
12 infrastructure, unrelated to the overflow of any river or lake,  
13 whether or not that land is located in or near a floodplain.

14 "Urbanized areas" means a statistical geographic entity  
15 consisting of a densely settled core created from census tracts  
16 or blocks and contiguous qualifying territory that together  
17 have a minimum population of at least 50,000 persons and has  
18 been delineated as an urbanized area by the United States  
19 Census Bureau after the most recent decennial census.

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

21 (55 ILCS 5/5-1062.2)

22 Sec. 5-1062.2. Stormwater management.

23 (a) The purpose of this Section is to allow management and  
24 mitigation of the effects of urbanization on stormwater  
25 drainage in the metropolitan counties of Madison, St. Clair,

1 Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone  
2 as well as all counties containing all or a part of an  
3 urbanized area and references to "county" in this Section apply  
4 only to those counties. This Section does not apply to counties  
5 in the Chicago Metropolitan Agency for Planning ~~Northeastern~~  
6 ~~Illinois Planning Commission~~ that are granted authorities in  
7 Section 5-1062. The purpose of this Section shall be achieved  
8 by:

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

11 (2) Setting minimum standards for floodplain and  
12 stormwater management with an emphasis on the use of  
13 cost-effective solutions to flooding problems.

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

20 (a-5) This Section also applies to all counties not  
21 otherwise covered in Section 5-1062, 5-1062.2, or 5-1062.3 if  
22 the question of allowing the county board to establish a  
23 stormwater management planning council has been submitted to  
24 the electors of the county and approved by a majority of those  
25 voting on the question.

26 (b) A stormwater management planning committee may be

1 established by county board resolution, with its membership  
2 consisting of equal numbers of county board and municipal  
3 representatives from each county board district, one member  
4 representing drainage districts, and one member representing  
5 soil and water conservation districts and such other members as  
6 may be determined by the stormwater management planning  
7 committee ~~county and municipal~~ members. If the county has more  
8 than 6 county board districts, however, the county board may by  
9 ordinance divide the county into not less than 6 areas of  
10 approximately equal population, to be used instead of county  
11 board districts for the purpose of determining representation  
12 on the stormwater management planning committee.

13 The county board members shall be appointed by the chairman  
14 of the county board. Municipal members from each county board  
15 district or other represented area shall be appointed by a  
16 majority vote of the mayors of those municipalities that have  
17 the greatest percentage of their respective populations  
18 residing in that county board district or other represented  
19 area. The member representing drainage districts shall be  
20 appointed by the drainage district chairperson or by a majority  
21 vote of all drainage district chairpersons in the county if  
22 more than one drainage district exists in the county. The  
23 member representing soil and water conservation districts  
24 shall be appointed by a majority vote of the soil and water  
25 conservation district board or by a majority vote of all soil  
26 and water conservation district boards in the county if more

1 than one soil and water conservation district board exists in  
2 the county. All municipal, ~~and~~ county board, drainage district,  
3 and soil and water conservation district representatives shall  
4 be entitled to a vote; the other members shall be nonvoting  
5 members, unless authorized to vote by the unanimous consent of  
6 the voting members of the committee; however, Madison, St.  
7 Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and  
8 Boone counties are not required to have a drainage district or  
9 a soil and water conservation representative ~~the municipal and~~  
10 ~~county board representatives.~~ A municipality that is located in  
11 more than one county may choose, at the time of formation of  
12 the stormwater management planning committee and based on  
13 watershed boundaries, to participate in the stormwater  
14 management planning program of either or both of the counties.  
15 Subcommittees of the stormwater management planning committee  
16 may be established to serve a portion of the county or a  
17 particular drainage basin that has similar stormwater  
18 management needs. The stormwater management planning committee  
19 shall adopt bylaws, by a majority vote of the county and  
20 municipal members, to govern the functions of the committee and  
21 its subcommittees. Officers of the committee shall include a  
22 chair and vice chair, one of whom shall be a county  
23 representative and one a municipal representative.

24 The principal duties of the committee shall be to develop a  
25 stormwater management plan for presentation to and approval by  
26 the county board, and to direct the plan's implementation and

1 revision. The committee may retain engineering, legal, and  
2 financial advisors and inspection personnel. The committee  
3 shall meet at least quarterly and shall hold at least one  
4 public meeting during the preparation of the plan and prior to  
5 its submittal to the county board. The committee may make  
6 grants to: (1) units of local government; (2) not-for-profit  
7 organizations; and (3) landowners. In order for a municipality  
8 located partially or wholly within a mapped floodplain to  
9 receive grant moneys, the municipality must be a member in the  
10 Federal Emergency Management Agency's National Flood Insurance  
11 Program. A municipality receiving grant moneys must ~~that~~ have  
12 adopted an ordinance requiring actions consistent with the  
13 stormwater management plan. Use ~~and to landowners for the~~  
14 purposes of stormwater management, including special projects,  
15 use of the grant money must be consistent with the stormwater  
16 management plan.

17 The committee shall not have or exercise any power of  
18 eminent domain.

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



1 coordinate the development of plan recommendations with  
2 adjoining counties.

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

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

1 Any amendments to the plan shall be submitted to the Office for  
2 review.

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

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

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

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

1 Commission may not impose more stringent regulations regarding  
2 water quality on entities discharging in accordance with a  
3 valid National Pollution Discharge Elimination System permit  
4 issued under the Environmental Protection Act.

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

24 (i) For the purpose of implementing this Section and for  
25 the development, design, planning, construction, operation,  
26 and maintenance of stormwater facilities provided for in the

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

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

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

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

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

13 Or this question may be submitted at any general election held  
14 in the county after the adoption of a resolution by the county  
15 board providing for the submission of the question to the  
16 electors of the county to authorize use and occupation taxes of  
17 1/10 of one cent:

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

22           Votes shall be recorded as Yes or No.

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

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

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

24 (l) 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. On issues that the county ordinance is more  
6 stringent as deemed by the committee, the county shall only  
7 enforce rules and regulations adopted by the county on the more  
8 stringent issues and accept municipal permits. The county shall  
9 have no more than 60 days to review permits or the permits  
10 shall be deemed approved.

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

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

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

26 (p) As used in this Section:



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

6       "Urbanized areas" means a statistical geographic entity  
7 consisting of a densely settled core created from census tracts  
8 or blocks and contiguous qualifying territory that together  
9 have a minimum population of at least 50,000 persons and has  
10 been delineated as an urbanized area by the United States  
11 Census Bureau after the most recent decennial census.

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

13       (55 ILCS 5/5-1062.3)

14       Sec. 5-1062.3. Stormwater management; DuPage and Peoria  
15 Counties.

16       (a) The purpose of this Section is to allow management and  
17 mitigation of the effects of urbanization on stormwater  
18 drainage in the metropolitan counties of DuPage and Peoria, and  
19 references to "county" in this Section apply only to those  
20 counties. This Section does not apply to a municipality that  
21 only partially lies within one of these counties and, on the  
22 effective date of this amendatory Act of the 98th General  
23 Assembly, is served by an existing Section in the Counties Code  
24 regarding stormwater management. The purpose of this Section  
25 shall be achieved by:

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

3 (2) setting minimum standards for floodplain and  
4 stormwater management with an emphasis on the use of  
5 cost-effective solutions to flooding problems; and

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

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

23 The county board members shall be appointed by the chairman  
24 of the county board. Municipal members from each county board  
25 district or other represented area shall be appointed by a  
26 majority vote of the mayors of those municipalities that have

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

20 The principal duties of the committee shall be to develop a  
21 stormwater management plan for presentation to and approval by  
22 the county board, and to direct the plan's implementation and  
23 revision. The committee may retain engineering, legal, and  
24 financial advisors and inspection personnel. The committee  
25 shall meet at least quarterly and shall hold at least one  
26 public meeting during the preparation of the plan and prior to

1 its submittal to the county board. The committee may make  
2 grants to: (1) units of local government; (2) not-for-profit  
3 organizations; and (3) landowners. In order for a municipality  
4 located partially or wholly within a mapped floodplain to  
5 receive grant moneys, the municipality must be a member in the  
6 Federal Emergency Management Agency's National Flood Insurance  
7 Program. A municipality receiving grant moneys must ~~that~~ have  
8 adopted an ordinance requiring actions consistent with the  
9 stormwater management plan. Use and to landowners for the  
10 ~~purposes of stormwater management, including special projects;~~  
11 ~~use~~ of the grant money must be consistent with the stormwater  
12 management plan.

13 The committee shall not have or exercise any power of  
14 eminent domain.

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

25 (d) The stormwater management committee may not enforce any  
26 rules or regulations that would interfere with (i) any power

1 granted by the Illinois Drainage Code (70 ILCS 605/) to  
2 operate, construct, maintain, or improve drainage systems or  
3 (ii) the ability to operate, maintain, or improve the drainage  
4 systems used on or by land or a facility used for production  
5 agriculture purposes, as defined in the Use Tax Act (35 ILCS  
6 105/), except newly constructed buildings and newly installed  
7 impervious paved surfaces. Disputes regarding an exception  
8 shall be determined by a mutually agreed upon arbitrator paid  
9 by the disputing party or parties.

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

25 (f) Prior to recommending the plan to the county board, the  
26 stormwater management planning committee shall hold at least

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

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

1 committee, or are opposed by resolution of the corporate  
2 authorities of an affected municipality having a municipal  
3 stormwater management plan, amendment of the plan shall require  
4 an affirmative vote of at least two-thirds of the county board  
5 members present and voting.

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

1 permit issued under the Environmental Protection Act.

2 (h) For the purpose of implementing this Section and for  
3 the development, design, planning, construction, operation,  
4 and maintenance of stormwater facilities provided for in the  
5 adopted stormwater management plan, a county board that has  
6 established a stormwater management planning committee  
7 pursuant to this Section or has participated in a stormwater  
8 management planning process may adopt a schedule of fees  
9 applicable to all real property within the county which  
10 benefits from the county's stormwater management facilities  
11 and activities, and as may be necessary to mitigate the effects  
12 of increased stormwater runoff resulting from development. The  
13 total amount of the fees assessed must be specifically and  
14 uniquely attributable to the actual costs of the county in the  
15 preparation, administration, and implementation of the adopted  
16 stormwater management plan, construction and maintenance of  
17 stormwater facilities, and other activities related to the  
18 management of the runoff from the property. The individual fees  
19 must be specifically and uniquely attributable to the portion  
20 of the actual cost to the county of managing the runoff from  
21 the property. The fees shall be used to finance activities  
22 undertaken by the county or its included municipalities to  
23 mitigate the effects of urban stormwater runoff by providing  
24 and maintaining stormwater collection, retention, detention,  
25 and particulate treatment facilities, and improving water  
26 bodies impacted by stormwater runoff, as identified in the



1 county plan. In establishing, maintaining, or replacing such  
2 facilities, the county shall not duplicate facilities operated  
3 by other governmental bodies within its corporate boundaries.  
4 The schedule of fees established by the county board shall  
5 include a procedure for a full or partial fee waiver for  
6 property owners who have taken actions or put in place  
7 facilities that reduce or eliminate the cost to the county of  
8 providing stormwater management services to their property.  
9 The county board may also offer tax or fee rebates or incentive  
10 payments to property owners who construct, maintain, and use  
11 approved green infrastructure stormwater management devices or  
12 any other methods that reduce or eliminate the cost to the  
13 county of providing stormwater management services to the  
14 property, including but not limited to facilities that reduce  
15 the volume, temperature, velocity, and pollutant load of the  
16 stormwater managed by the county, such as systems that  
17 infiltrate, evapotranspire, or harvest stormwater for reuse,  
18 known as "green infrastructure". In exercising this authority,  
19 the county shall provide notice to the municipalities within  
20 its jurisdiction of any fees proposed under this Section and  
21 seek the input of each municipality with respect to the  
22 calculation of the fees. The county shall also give property  
23 owners at least 2 years' notice of the fee, during which time  
24 the county shall provide education on green infrastructure  
25 practices and an opportunity to take action to reduce or  
26 eliminate the fee. All these fees collected by the county shall

1 be held in a separate fund, and shall be expended only in the  
2 watershed within which they were collected. The county may  
3 enter into intergovernmental agreements with other government  
4 bodies for the joint administration of stormwater management  
5 and the collection of the fees authorized in this Section.

6 A fee schedule authorized by this subsection must have the  
7 same limit as the authorized stormwater tax. In Peoria County  
8 only, the fee schedule shall not be adopted unless (i) a  
9 referendum has been passed approving a stormwater tax as  
10 provided in subsection (i) of this Section; or (ii) the  
11 question of the adoption of a fee schedule with the same limit  
12 as the authorized stormwater tax has been approved in a  
13 referendum by a majority of those voting on the question.

14 (i) In the alternative to a fee imposed under subsection  
15 (h), the county board may cause an annual tax of not to exceed  
16 0.20% of the value, as equalized or assessed by the Department  
17 of Revenue, of all taxable property in the county to be levied  
18 upon all the taxable property in the county. The property tax  
19 shall be in addition to all other taxes authorized by law to be  
20 levied and collected in the county and shall be in addition to  
21 the maximum tax rate authorized by law for general county  
22 purposes. The 0.20% limitation provided in this Section may be  
23 increased or decreased by referendum in accordance with the  
24 provisions of Sections 18-120, 18-125, and 18-130 of the  
25 Property Tax Code (35 ILCS 200/).

26 Any revenues generated as a result of ownership or

1 operation of facilities or land acquired with the tax funds  
2 collected pursuant to this subsection shall be held in a  
3 separate fund and be used either to abate such property tax or  
4 for implementing this Section.

5 If at least part of the county has been declared by a  
6 presidential proclamation after July 1, 1986 and before  
7 December 31, 1987, to be a disaster area as a result of  
8 flooding, the tax authorized by this subsection does not  
9 require approval by referendum. However, in Peoria County, the  
10 tax authorized by this subsection shall not be levied until the  
11 question of its adoption, either for a specified period or  
12 indefinitely, has been submitted to the electors thereof and  
13 approved by a majority of those voting on the question. This  
14 question may be submitted at any election held in the county  
15 after the adoption of a resolution by the county board  
16 providing for the submission of the question to the electors of  
17 the county. The county board shall certify the resolution and  
18 proposition to the proper election officials, who shall submit  
19 the proposition at an election in accordance with the general  
20 election law. If a majority of the votes cast on the question  
21 is in favor of the levy of the tax, it may thereafter be levied  
22 in the county for the specified period or indefinitely, as  
23 provided in the proposition. The question shall be put in  
24 substantially the following form:

25 Shall an annual tax be levied for stormwater management  
26 purposes (for a period of not more than ..... years) at a

1 rate not exceeding .....% of the equalized assessed value  
2 of the taxable property of ..... County?

3 Votes shall be recorded as Yes or No.

4 The following question may be submitted at any election  
5 held in the county after the adoption of a resolution by the  
6 county board providing for the submission of the question to  
7 the electors of the county to authorize adoption of a schedule  
8 of fees applicable to all real property within the county:

9 Shall the county board be authorized to adopt a  
10 schedule of fees, at a rate not exceeding that of the  
11 stormwater management tax, applicable to all real property  
12 for preparation, administration, and implementation of an  
13 adopted stormwater management plan, construction and  
14 maintenance of related facilities, and management of the  
15 runoff from the property?

16 Votes shall be recorded as Yes or No.

17 If these questions have been approved by a majority of  
18 those voting prior to the effective date of this amendatory Act  
19 of the 98th General Assembly, this subsection does not apply.

20 (j) For those counties that adopt a property tax in  
21 accordance with the provisions in this Section, the stormwater  
22 management committee shall offer property tax abatements or  
23 incentive payments to property owners who construct, maintain,  
24 and use approved stormwater management devices. The stormwater  
25 management committee is authorized to offer credits to the  
26 property tax, if applicable, based on authorized practices

1 consistent with the stormwater management plan and approved by  
2 the committee. Expenses of staff of a stormwater management  
3 committee that are expended on regulatory project review may be  
4 no more than 20% of the annual budget of the committee,  
5 including funds raised under subsections (h) and (i).

6 (k) Upon the creation and implementation of a county  
7 stormwater management plan, the county may petition the circuit  
8 court to dissolve any or all drainage districts created  
9 pursuant to the Illinois Drainage Code or predecessor Acts  
10 which are located entirely within the area of the county  
11 covered by the plan.

12 However, any active drainage district implementing a plan  
13 that is consistent with and at least as stringent as the county  
14 stormwater management plan may petition the stormwater  
15 management planning committee for exception from dissolution.  
16 Upon filing of the petition, the committee shall set a date for  
17 hearing not less than 2 weeks, nor more than 4 weeks, from the  
18 filing thereof, and the committee shall give at least one  
19 week's notice of the hearing in one or more newspapers of  
20 general circulation within the district, and in addition shall  
21 cause a copy of the notice to be personally served upon each of  
22 the trustees of the district. At the hearing, the committee  
23 shall hear the district's petition and allow the district  
24 trustees and any interested parties an opportunity to present  
25 oral and written evidence. The committee shall render its  
26 decision upon the petition for exception from dissolution based

1 upon the best interests of the residents of the district. In  
2 the event that the exception is not allowed, the district may  
3 file a petition within 30 days of the decision with the circuit  
4 court. In that case, the notice and hearing requirements for  
5 the court shall be the same as herein provided for the  
6 committee. The court shall likewise render its decision of  
7 whether to dissolve the district based upon the best interests  
8 of residents of the district.

9 The dissolution of any drainage district shall not affect  
10 the obligation of any bonds issued or contracts entered into by  
11 the district nor invalidate the levy, extension or collection  
12 of any taxes or special assessments upon the property in the  
13 former drainage district. All property and obligations of the  
14 former drainage district shall be assumed and managed by the  
15 county, and the debts of the former drainage district shall be  
16 discharged as soon as practicable.

17 If a drainage district lies only partly within a county  
18 that adopts a county stormwater management plan, the county may  
19 petition the circuit court to disconnect from the drainage  
20 district that portion of the district that lies within that  
21 county. The property of the drainage district within the  
22 disconnected area shall be assumed and managed by the county.  
23 The county shall also assume a portion of the drainage  
24 district's debt at the time of disconnection, based on the  
25 portion of the value of the taxable property of the drainage  
26 district which is located within the area being disconnected.

1           The operations of any drainage district that continues to  
2 exist in a county that has adopted a stormwater management plan  
3 in accordance with this Section shall be in accordance with the  
4 adopted plan.

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

15           (m) Except as otherwise provided in subsection (a) of this  
16 Section, upon petition of the municipality, and based on a  
17 finding of the stormwater management planning committee, the  
18 county shall not enforce rules and regulations adopted by the  
19 county in any municipality located wholly or partly within the  
20 county that has a municipal stormwater management ordinance  
21 that is consistent with and at least as stringent as the county  
22 plan and ordinance, and is being enforced by the municipal  
23 authorities. On issues that the county ordinance is more  
24 stringent as deemed by the committee, the county shall only  
25 enforce rules and regulations adopted by the county on the more  
26 stringent issues and accept municipal permits. The county shall

1 have no more than 60 days to review permits or the permits  
2 shall be deemed approved.

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

10 (o) A county that has adopted a fee schedule pursuant to  
11 this Section may not thereafter issue any bond extensions  
12 related to implementing a stormwater management plan.

13 (p) 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 (q) 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 (r) Stormwater management projects and actions related to  
22 stormwater management in a county that has adopted a fee  
23 schedule or tax pursuant to this Section prior to the effective  
24 date of this amendatory Act of the 98th General Assembly are  
25 not altered by this amendatory Act of the 98th General  
26 Assembly.



1       (s) As used in this Section:

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

7       "Urbanized areas" means a statistical geographic entity  
8 consisting of a densely settled core created from census tracts  
9 or blocks and contiguous qualifying territory that together  
10 have a minimum population of at least 50,000 persons and has  
11 been delineated as an urbanized area by the United States  
12 Census Bureau after the most recent decennial census.

13       (Source: P.A. 98-335, eff. 8-13-13; 98-756, eff. 7-16-14.)".