

CITY OF WARRENVILLE
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. 2160

**ORDINANCE AMENDING TITLE 8, CHAPTER 5 OF THE
CITY CODE TO ADD A NEW SECTIONS THERETO
RE DETENTION/RETENTION POND CRITERIA**

WHEREAS, the City of Warrenville has previously adopted Title 8, Chapter 5 of the City Code, which Chapter regulates stormwater and floodplain management matters within the City; and

WHEREAS, the Mayor and City Council believe and hereby declare that it is in the best interests of the health, safety and welfare of the City and its residents to establish detention/retention pond design criteria as set forth hereinbelow;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WARRENVILLE, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The foregoing recitals shall be, and they are hereby, incorporated within this Section One as findings of fact as if said recitals were fully set forth herein.

SECTION TWO: Title 8, Chapter 5 of the City Code of the City of Warrenville shall be and is hereby amended to add new Sections 8-5-4 through 8-5-9 thereto, which new Sections 8-5-4, 8-5-5, 8-5-6, 8-5-7, 8-5-8 and 8-5-9 shall hereafter be and read as follows:

8-5-4: **DETENTION FACILITY DESIGN CRITERIA:** In addition to the other rules and regulations set forth in this Chapter, open stormwater detention facilities shall comply with the following design criteria:

- A. **Bottom Slope:** The bottom slope shall be 2% or steeper in order to prevent wet areas which may kill the intended ground cover or promote the growth of nuisance plant species.
- B. **Low-Flow Pipes and/or Paved Channels:** Low-flow pipes and/or paved channels shall not be permitted. The ends of storm sewers draining runoff into the detention pond shall be located at least 50 feet away from the pond outlet to ensure sufficient filtering of contaminants.

- C. Side Slopes: Vegetated side slopes shall be 4:1 or flatter. Seeded slopes shall be protected with an approved erosion control mat designed for that application.
- D. Retaining Walls: Retaining walls shall not be permitted on more than 50 percent of the pond perimeter. Retaining walls shall be constructed of modular blocks. Retaining walls 3.0 feet or taller shall be designed by a registered Structural Engineer or a registered Architect. Stepped walls count as one wall system (e.g., a two foot lower wall + a stepped two foot upper wall). Safety fencing shall be provided along the top edge of any retaining wall greater than 3.0 feet in height.
- E. Bounce: The maximum bounce (High Water Level minus the outlet invert elevation) on a detention pond shall be four feet.
- F. Outfall Pipe: The outfall pipe from a detention pond shall be provided with a flared end section and steel grating.
- G. Perimeter Berm: For any detention pond at least partially enclosed by an earthen berm, the top of the berm shall be at least one foot higher than the design High Water Level and at least two feet wide.
- H. Emergency Overflow Weir: An emergency overflow weir shall be provided at an elevation above the design High Water Level, and not less than six inches below the top of berm. The overflow weir shall be armored from the top of berm to the outside toe of slope. If the weir is armored with rip rap or other porous material, the subgrade under the rip rap shall be equal to or above the design High Water Level. The weir shall be wide enough to convey one cfs per tributary acre. Weirs facing adjacent single family residential properties or public streets shall be incorporated into the landscape design for the facility and shall be designed to minimize negative visual impacts by incorporating landscape stone, grasscrete or an approved equal material in lieu of concrete or standard rip rap.

8-5-5: **PARKING LOT DETENTION:** In addition to the other rules and regulations set forth in this Chapter, if a parking lot is used for stormwater detention, the maximum depth of water in the parking lot (usually over the inlets) shall be one foot. The parking lot shall further comply with all applicable City rules, regulations and ordinances applicable to parking lot areas.

8-5-6: **RETENTION FACILITY DESIGN CRITERIA:** In addition to the other rules and regulations set forth in this Chapter, wet bottom stormwater retention facilities shall comply with the following design criteria:

- A. Perimeter Native Grass Plantings: The perimeter area of a retention pond immediately above the normal water line shall be planted with a band of native grass in accordance with the following specifications:

1. **Minimum Planting Width:** The native grass planting band shall be a minimum width of 10 feet for small retention ponds with a surface area of less than 15,000 square feet measured at the normal water level, 15 feet for medium retention ponds with a surface area of less than 40,000 square feet measured at the normal water level, and 20 feet for large retention ponds with a surface area of more than 40,000 square feet measured at the normal water level.
 2. **Design:** A qualified landscape architect and/or ecologist shall be required to either design or certify the design of these plantings.
 3. **Seed vs. Plugs:** The use of plugs shall be encouraged in lieu of seed. If seed is used, the Letter of Credit “maintenance” period for these improvements shall be three years instead of two years and shall be in the amount of 25% versus 10%.
 4. **Inspection and Certification:** In order to verify native planting bands have been established properly and in compliance with the approved design, an inspection shall be performed and a report created by a qualified environmental consultant hired by the pond owner to verify the status of the plantings and to outline a recommended future maintenance program.
- B. **Side Slopes:** The side slopes of retention ponds shall be 5:1 or flatter, from the Normal Water Level to the limits of the native vegetation, and the side slopes shall be 4:1 or flatter from the limits of the native vegetation to one foot above the High Water Level.
- C. **Safety Ledge:** A ten foot wide safety ledge shall be provided three feet below the Normal Water Level. The safety ledge shall slope back towards the shore at a 5% grade. The side slopes shall be 4:1 or flatter from the safety ledge to the Normal Water Level and 3:1 or flatter from the bottom of the pond up to the safety ledge.
- D. **Retaining Walls:** Retaining walls shall be permitted on no more than 50% of the pond perimeter. Retaining walls shall be constructed of modular blocks. Retaining walls 3.0 feet or taller are required to be designed by a registered Structural Engineer or a registered Architect and shall include a safety fence. Stepped walls count as one wall system (e.g., a two foot lower wall + a stepped two foot upper wall = a four foot wall). Safety fencing shall be provided along the top edge of any retaining wall greater than 3.0 feet in height.
- E. **Bounce:** The maximum bounce (High Water Level minus Normal Water Level) on a retention pond shall be four feet.
- F. **Outfall Pipe:** The outfall pipe from a retention pond shall have a flared end section and steel grating.

- G. **Perimeter Berm:** For any retention pond at least partially enclosed by an earthen berm, the top of the berm shall be at least one foot higher than the design High Water Level and at least two feet wide.
- H. **Emergency Overflow:** An emergency overflow weir shall be provided at an elevation above the design High Water Level, but at least six inches below the top of berm. The overflow weir shall be armored from the top of berm to the outside toe of slope. If the weir is armored with rip rap or other porous material, the subgrade under the rip rap shall be equal to or above the design High Water Level. The weir shall be wide enough to convey one cfs per tributary acre. Weirs facing adjacent single family residential properties or public streets shall be incorporated into the landscape design for the facility and shall be designed to minimize negative visual impacts by incorporating landscape stone, grasscrete or an approved equal material in lieu of poured concrete or standard rip rap.

8-5-7: SHALLOW WET BOTTOM RETENTION FACILITY DESIGN CRITERIA:

For shallow, wet bottom retention facilities, i.e., those stormwater retention facilities where the bottom is planted with wetland vegetation and the normal water depth is 12 - 18 inches, in addition to the design criteria set forth within Section 8-5-6, the following additional criteria shall apply:

- A. **Design:** A qualified landscape architect and/or ecologist shall be required to either design or certify the design of these plantings.
- B. **Letter of Credit:** The Letter of Credit "maintenance" period for these improvements shall be 3 years instead of two years and shall be in the amount of 20% versus 10%.
- C. **Inspection and Certification:** In order to verify that the native plantings have been established properly, an inspection shall be performed and a report created by a qualified environmental consultant to verify the status of the plantings and to outline a recommended future maintenance program.

8-5-8: APPEALS AND VARIATIONS: Any party aggrieved by an administrative order requirement, decision or determination made under Sections 8-5-4 through 8-5-7 by an authorized administrative official of the City or any person seeking a variance from the requirements of said sections may file a petition for review with the Plan Commission. The petition for review of an order or decision shall be filed with the authorized administrative official within twenty (20) days of the date of the order or decision being appealed. A petition for review in the nature of a variance may be filed at any time. The petition shall contain:

- a. the name, address and telephone number of the party filing the petition, and
- b. the location of the property affected, and
- c. identification of the provision of the ordinance governing the decision being appealed or from which a variance is sought, and

- d. a statement of the grounds on which the petition or variance request is based, and
- e. a brief summary of the factual evidence upon which the petition is based, and
- f. a plot plan and verbal description of the use affected.

The Plan Commission, after notice to the applicant, shall conduct a public hearing on the Petition. The applicant and other interested parties shall be given an opportunity to be heard and to present evidence in support of the Petition at the hearing. Upon the conclusion of the hearing the Plan Commission shall enter a written finding of facts and a decision regarding the Petition. Any party to the hearing may, within 20 days, appeal to the City Council for review of the decision. Upon timely application for an appeal, the City Council shall review the hearing record and Plan Commission decision. The decision of the City Council shall be final.

8-5-9: **STORMWATER MANAGEMENT EASEMENT PROVISIONS:** Before construction of any private stormwater detention or retention facility is commenced, the owner shall grant to the City a stormwater management easement, either by plat or grant of easement. The stormwater management easement shall be subject to the prior review and approval of the City Attorney and shall be substantially in the following form:

STORMWATER MANAGEMENT AREA MAINTENANCE PROVISIONS

THE OWNER, ON BEHALF OF ITSELF, ITS SUCCESSORS AND ASSIGNS, AND ALL FUTURE HOLDERS OF TITLE (COLLECTIVELY, THE "OWNER") TO ANY PORTION OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAT (THE "PROPERTY"), HEREBY COVENANTS AND AGREES WITH THE CITY OF WARRENVILLE (THE "CITY") AS FOLLOWS:

OWNER SHALL MAINTAIN, OPERATE AND REPAIR THE PORTIONS OF THE PROPERTY IDENTIFIED ON THIS PLAT AS THE "STORMWATER MANAGEMENT EASEMENT AREA" AND SHALL MAINTAIN AND MANAGE ALL LANDSCAPING AND PLANTINGS THEREON AT ALL TIMES IN A MANNER CONSISTENT WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE CITY (AND UPON REQUEST, FURNISH PROOF OF COMPLIANCE THEREWITH). THE OWNER GRANTS TO THE CITY AND ITS DESIGNEES THE RIGHT OF ACCESS UPON, OVER AND ACROSS THE PROPERTY TO INSPECT THE STORMWATER MANAGEMENT EASEMENT AREA AND TO PERFORM ANY MAINTENANCE OF SAID AREAS (AND TO STORE EQUIPMENT NECESSARY THEREFOR) WHICH THE OWNER HAS FAILED TO PERFORM, IF SUCH FAILURE CONTINUES FOR THIRTY (30) DAYS AFTER WRITTEN NOTICE FROM THE CITY OF SUCH FAILURE. THE CITY MAY ENTER UPON THE PROPERTY AND PERFORM SUCH WORK AS SHOULD HAVE BEEN UNDERTAKEN BY OWNER WITHOUT NOTICE TO OWNER IN AN EMERGENCY (E.G., WHERE PERSONAL INJURY OR MATERIAL DAMAGE TO PROPERTY MAY BE IMMINENT). THE OWNER SHALL BE LIABLE FOR THE COST OF ANY MAINTENANCE SO PERFORMED BY THE CITY AND SHALL PROMPTLY REIMBURSE THE CITY FOR SUCH COSTS, WITH INTEREST AT STATUTORY PREJUDGMENT RATE CALCULATED FROM THE DATE OF EXPENDITURE. UPON RECORDATION BY THE CITY OF A CLAIM FOR REIMBURSEMENT, THE CITY SHALL HAVE A FORECLOSEABLE LIEN UPON THE PROPERTY TO SECURE REIMBURSEMENT.

IN ADDITION TO OTHER REMEDIES PROVIDED FOR ABOVE, UPON OWNER'S FAILURE TO MAINTAIN THE STORMWATER MANAGEMENT EASEMENT AREAS (AFTER NOTICE WHERE REQUIRED AS AFORESAID), THE CITY SHALL BE ENTITLED TO ALL REMEDIES AT LAW OR EQUITY TO ENFORCE THIS AGREEMENT, INCLUDING ALL REMEDIES FOR THE ABATEMENT OF A NUISANCE, WHICH REMEDIES SHALL BE CUMULATIVE AND NOT EXCLUSIVE. IF A JUDGMENT IS ENTERED AGAINST THE OWNER, THE OWNER SHALL PAY ALL REASONABLE ATTORNEYS' FEES AND COSTS OF THE CITY. THE CITY SHALL NOT BE LIABLE TO OWNER OR ANY PARTY CLAIMING THROUGH THE OWNER FOR ANY DAMAGE CAUSED BY IT IN THE PERFORMANCE OF ANY MAINTENANCE UNDERTAKEN PURSUANT TO THIS AGREEMENT, UNLESS SUCH DAMAGE IS CAUSED BY WANTON OR WILLFUL CONDUCT. FAILURE TO ENFORCE A RIGHT GRANTED HEREUNDER SHALL NOT BE DEEMED A WAIVER OF SUCH RIGHT OR ANY OTHER RIGHTS HEREUNDER. NO PARTY SHALL BE LIABLE FOR FAILURE TO ENFORCE THE PROVISIONS HEREOF.

THE OWNER RESERVES UNTO ITSELF ALL RIGHTS NOT MATERIALLY INCONSISTENT WITH THESE PROVISIONS, INCLUDING THE RIGHT TO IMPROVE THE PROPERTY AND TO GRANT EASEMENTS AND OTHER RIGHTS AN INTERESTS IN AND TO SAID PROPERTY.

THE OWNERS OF ANY PORTION OF THE PROPERTY SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE REIMBURSEMENT OF OR PAYMENT TO THE CITY, AS MAY BE REQUIRED BY THE FOREGOING PROVISIONS. IF TITLE TO ALL OR ANY PART OF THE PROPERTY IS VESTED IN A LAND TRUST, ANY BENEFICIARIES THEREOF SHALL BE PERSONALLY LIABLE FOR ALL OBLIGATIONS IMPOSED HEREBY ON THE "OWNER" OF SUCH PROPERTY OR PORTION THEREOF SO OWNED.

SECTION THREE: Any policy, resolution or ordinance of the City which conflicts with the provisions of this ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION FOUR: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 16th day of August, 2004.

AYES: Ald. Lamberg, Stull, Spicer, Wiesbrock, Brummel, Schultz, McGuire, and Safford

NAYS: None

ABSENT: None

APPROVED THIS 24th day of August, 2004.

ATTEST:

Emily J Larson
CITY CLERK

[Signature]
MAYOR PRO TEM

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL OF THE CITY OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, THIS 24 DAY OF Aug, 2004
Emily J Larson
CITY CLERK