

CITY OF WARRENVILLE
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. 2222

**ORDINANCE AMENDING TITLE 8, CHAPTER 5 OF THE CITY CODE
TO ADD A NEW SECTION RE DETENTION VARIANCE FEE PROGRAM**

WHEREAS, the City of Warrenville has previously adopted the Countywide Stormwater and Floodplain Ordinance (the "County Ordinance") pursuant to Title 8, Chapter 5, Section 8-5-1 of the City Code; and

WHEREAS, the County Ordinance permits municipalities to establish a detention variance fee program with respect to local stormwater management; and

WHEREAS, the Mayor and City Council believe and hereby declare that it is in the best interests of the City and its residents to adopt a local detention variance fee program as hereinafter provided;

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: Pursuant to the provisions of the County, the City hereby adopts a local detention variance fee program, which shall be codified as Section 8-5-10 of Title 8, Chapter 5 of the City Code of the City of Warrenville, which Section 8-5-10 shall hereafter be and read as follows:

8-5-10: **DETENTION VARIANCE FEE PROGRAM:**

- A. Where a variance to the site runoff storage requirements of Section 15-114 of the Countywide Stormwater and Floodplain Ordinance, as now existing or hereafter amended, is granted, payment into a detention variance fee program shall be made prior to issuance of

a Stormwater Management Permit as a condition of the variance. Payment of a detention variance fee for the varied storage shall be made to the City and shall be determined by applying the first applicable criterion as follows:

1. A fee calculated by multiplying the per acre foot cost of the closest off-site storage facility times the varied storage where:
 - a. A design concept plan for the facility has been approved by the City containing an estimate of the per acre foot cost of constructing the storage, including operation and maintenance costs; and
 - b. A formula has been developed to determine that any investment in the facility shall be at least equal to the cost of planning, acquiring of lands, constructing, operating, and maintaining the facility; and
 2. One hundred fifty thousand dollars (\$150,000) per acre foot of detention volume.
- B. Funds collected shall be accounted for in separate project or watershed planning area accounts. Funds shall be used in the same community or watershed planning areas as collected to enhance existing site runoff storage facilities and related components, construct off-site facilities and related components, provide maintenance of stormwater facilities, or undertake other development that provides a watershed benefit.
 - C. The City shall provide accounting on an annual basis of all funds deposited in each project or watershed planning account and shall account for each fund on a first-in, first-out basis.
 - D. All detention variance fees shall be refunded to the entity who paid the fee or to that person's successor in interest, whenever the City fails to encumber the fees collected within ten (10) years of the date on which such fees are collected.
 - E. Refunds shall be made provided that the person who paid the fee, or that person's successor in interest, files a petition with the City within one (1) year from the date on which such fees are required to be encumbered.

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 20th day of June, 2005.

AYES: Ald. Bevier, Weidner, Schultz, Wiesbrock, Barry, Leonard, and McGuire

NAYS: None

ABSENT: Ald. Safford

APPROVED THIS 22~~st~~ day of June, 2005.

ATTEST:

Emily J Larson
CITY CLERK

[Signature]
MAYOR

LKL\1305676\14\05

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF WARRENVILLE,
DUPAGE COUNTY, ILLINOIS, THIS
22 DAY OF JUNE 2005
Emily J Larson
CITY CLERK