

AGENDA

SPECIAL RULES MEETING OF THE
BOARD OF TRUSTEES PARK FOREST, IL

Village Hall

6:00 p.m.

July 14, 2008

1. Financing and Strategic Planning

Adjournment

AGENDA

RULES MEETING OF THE BOARD OF TRUSTEES VILLAGE OF PARK FOREST, COOK AND WILL COUNTIES, ILLINOIS

Village Hall

8:00 p.m.

July 14, 2008

Roll Call

1. An Ordinance Establishing Prevailing Wages for Public Works in the Village of Park Forest
2. An Ordinance Replacing Chapter 46 of the Code of Ordinances (Flood Plain)

Mayor's Comments

Manager's Comments

Trustee's Comments

Attorney's Comments

Audience to Visitors

Adjournment

Executive Session

Agenda Items are Available in the Lobby of Village Hall

VILLAGE OF PARK FOREST

MEMORANDUM

**TO: John A. Ostenburg, Mayor
Board of Trustees**

**FROM: Thomas K. Mick,
Village Manager**

DATE: June 26, 2008

**SUBJECT: An Ordinance Establishing Prevailing Wages for Public Works in the Village
of Park Forest**

BACKGROUND/DISCUSSION:

Adoption of prevailing wage standards is a routine practice in Park Forest. It is also mandatory according to Illinois State Statute. As Park Forest is in both Cook and Will Counties, the Village must adopt the standards for both jurisdictions. The attached Ordinance has been drafted by Village legal counsel.

SCHEDULE FOR CONSIDERATION:

This matter will appear on the agenda of the Rules Meeting on July 14, 2008 for discussion.

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING PREVAILING WAGES
FOR PUBLIC WORKS IN THE VILLAGE OF PARK FOREST,
COOK AND WILL COUNTIES, ILLINOIS**

WHEREAS, the State of Illinois has enacted “An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by anyone under contract for public works,” approved June 26, 1941, as amended, being 820 ILCS 130/0.01 *et seq.* (2008); and

WHEREAS, the aforesaid Act requires that the Board of Trustees of the Village of Park Forest investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said Village of Park Forest employed in performing construction of public works, for said Village of Park Forest.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Park Forest, Cook and Will Counties, Illinois, in the exercise of the Village’s home rule powers, as follows:

Section 1. Recitals Incorporated. The recitals set forth above constitute a material part of this Ordinance as if set forth in their entirety in this Section 1.

Section 2. Determination of Prevailing Wages. To the extent and as required by “An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by anyone under contract for public works,” approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers coming under the jurisdiction of the Village of Park Forest is hereby ascertained to be the same as the prevailing wages for construction work in Cook and Will Counties, as determined by the Department of Labor of the State of Illinois as of June 1, 2008, a copy of those determinations being attached hereto and incorporated herein by reference. The definition of any terms appearing in this Ordinance which are also used in the aforesaid Act shall be the same as in said Act.

Section 3. Prevailing Wages Applicable to Public Works. Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the Village of Park Forest to the extent required by the aforesaid Act.

Section 4. Posting of Determination. The Village of Park Forest Clerk shall publicly post or keep available for inspection by any interested party at Village Hall this determination of such prevailing rate of wages or any revisions of such prevailing rate of wages. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to contract specifications as required by the Act, or, if permitted by the Act, shall be referenced in the contract specifications.

Section 5. Service of Determination. The Village of Park Forest Clerk shall mail a copy of this determination to any employer and to any person or association of employees who have filed their names and addresses and have requested copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

Section 6. Filing of Determination. The Village of Park Forest Clerk shall promptly file a certified copy of this Ordinance with both the Index Division of the Secretary of State and the Department of Labor of the State of Illinois.

Section 7. Publication of Determination. The Village Clerk is hereby authorized and directed to cause to be published in a newspaper of general circulation within the area notification of passage of this Ordinance. The notice of passage of this Ordinance shall mention the availability for viewing of the Ordinance in the Office of the Village Clerk. The publication shall constitute notice that the determination is effective and that this is the determination of this public body.

Section 8. Severability and Repeal of Inconsistent Ordinances. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 9. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

PASSED this ____ day of _____, 2008.

APPROVED:

MAYOR

ATTEST:

VILLAGE CLERK

Cook County Prevailing Wage for June 2008

Trade Name	RG	TYP	C	Base	FRMAN	*M-F>8	OSA	OSH	H/W	Pensn	Vac	Trng
=====	==	==	=	=====	=====	=====	==	==	=====	=====	=====	=====
ASBESTOS ABT-GEN	ALL			34.750	35.250	1.5	1.5	2.0	8.830	6.170	0.000	0.270
ASBESTOS ABT-MEC	BLD			26.180	27.930	1.5	1.5	2.0	8.760	6.410	0.000	0.310
BOILERMAKER	BLD			39.450	43.000	2.0	2.0	2.0	6.720	8.490	0.000	0.300
BRICK MASON	BLD			36.430	40.070	1.5	1.5	2.0	7.700	8.770	0.000	0.440
CARPENTER	ALL			37.770	39.770	1.5	1.5	2.0	8.960	6.910	0.000	0.490
CEMENT MASON	ALL			39.850	41.850	2.0	1.5	2.0	7.490	6.520	0.000	0.170
CERAMIC TILE FNSHER	BLD			30.150	0.000	1.5	1.5	2.0	5.850	6.600	0.000	0.340
COMM. ELECT.	BLD			33.940	36.440	1.5	1.5	2.0	7.200	5.590	0.000	0.700
ELECTRIC PWR EQMT OP	ALL			37.300	43.450	1.5	1.5	2.0	8.310	10.77	0.000	0.280
ELECTRIC PWR GRNDMAN	ALL			29.090	43.450	1.5	1.5	2.0	6.450	8.390	0.000	0.220
ELECTRIC PWR LINEMAN	ALL			37.300	43.450	1.5	1.5	2.0	8.310	10.77	0.000	0.280
ELECTRICIAN	ALL			37.800	40.400	1.5	1.5	2.0	10.00	7.650	0.000	0.750
ELEVATOR CONSTRUCTOR	BLD			43.925	49.420	2.0	2.0	2.0	8.775	6.960	2.640	0.000
FENCE ERECTOR	ALL			28.640	30.140	1.5	1.5	2.0	7.750	5.970	0.000	0.350
GLAZIER	BLD			37.000	38.500	1.5	1.5	2.0	7.340	12.05	0.000	0.690
HT/FROST INSULATOR	BLD			37.400	39.150	1.5	1.5	2.0	8.760	10.11	0.000	0.310
IRON WORKER	ALL			40.250	42.250	2.0	2.0	2.0	9.950	14.74	0.000	0.300
LABORER	ALL			34.750	35.500	1.5	1.5	2.0	8.830	6.170	0.000	0.270
LATHER	BLD			37.770	39.770	1.5	1.5	2.0	8.960	6.910	0.000	0.490
MACHINIST	BLD			38.390	40.390	2.0	2.0	2.0	4.880	6.550	2.650	0.000
MARBLE FINISHERS	ALL			27.680	0.000	1.5	1.5	2.0	7.520	8.770	0.000	0.440
MARBLE MASON	BLD			36.430	40.070	1.5	1.5	2.0	7.700	8.770	0.000	0.440
MATERIAL TESTER I	ALL			24.750	0.000	1.5	1.5	2.0	8.830	6.170	0.000	0.270
MATERIALS TESTER II	ALL			29.750	0.000	1.5	1.5	2.0	8.830	6.170	0.000	0.270
MILLWRIGHT	ALL			37.770	39.770	1.5	1.5	2.0	8.960	6.910	0.000	0.490
OPERATING ENGINEER	BLD 1			41.550	45.550	2.0	2.0	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER	BLD 2			40.250	45.550	2.0	2.0	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER	BLD 3			37.700	45.550	2.0	2.0	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER	BLD 4			35.950	45.550	2.0	2.0	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER	FLT 1			47.250	47.250	1.5	1.5	2.0	6.850	5.600	1.900	0.000
OPERATING ENGINEER	FLT 2			45.750	47.250	1.5	1.5	2.0	6.850	5.600	1.900	0.000
OPERATING ENGINEER	FLT 3			40.700	47.250	1.5	1.5	2.0	6.850	5.600	1.900	0.000
OPERATING ENGINEER	FLT 4			33.850	47.250	1.5	1.5	2.0	6.850	5.600	1.900	0.000
OPERATING ENGINEER	HWY 1			39.750	43.750	1.5	1.5	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER	HWY 2			39.200	43.750	1.5	1.5	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER	HWY 3			37.150	43.750	1.5	1.5	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER	HWY 4			35.750	43.750	1.5	1.5	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER	HWY 5			34.550	43.750	1.5	1.5	2.0	6.850	5.600	1.900	0.700
ORNAMNTL IRON WORKER	ALL			39.050	41.300	2.0	2.0	2.0	7.950	13.19	0.000	0.500
PAINTER	ALL			35.400	39.820	1.5	1.5	1.5	6.550	7.400	0.000	0.420
PAINTER SIGNS	BLD			28.970	32.520	1.5	1.5	1.5	2.600	2.310	0.000	0.000
PILEDRIIVER	ALL			37.770	39.770	1.5	1.5	2.0	8.960	6.910	0.000	0.490
PIPEFITTER	BLD			40.000	42.000	1.5	1.5	2.0	8.660	7.550	0.000	1.120
PLASTERER	BLD			36.100	38.270	1.5	1.5	2.0	7.000	7.740	0.000	0.400
PLUMBER	BLD			41.000	43.000	1.5	1.5	2.0	8.840	5.560	0.000	0.980
ROOFER	BLD			35.000	38.000	1.5	1.5	2.0	6.800	3.870	0.000	0.330
SHEETMETAL WORKER	BLD			33.400	36.070	1.5	1.5	2.0	6.460	7.850	0.000	0.590
SIGN HANGER	BLD			26.510	27.360	1.5	1.5	2.0	4.200	2.280	0.000	0.000
SPRINKLER FITTER	BLD			40.500	42.500	1.5	1.5	2.0	8.500	6.850	0.000	0.500
STEEL ERECTOR	ALL			40.250	42.250	2.0	2.0	2.0	9.950	14.74	0.000	0.300
STONE MASON	BLD			36.430	40.070	1.5	1.5	2.0	7.700	8.770	0.000	0.440
TERRAZZO FINISHER	BLD			31.810	0.000	1.5	1.5	2.0	5.850	9.200	0.000	0.280
TERRAZZO MASON	BLD			35.390	38.390	1.5	1.5	2.0	5.850	10.05	0.000	0.320
TILE MASON	BLD			36.630	40.630	1.5	1.5	2.0	5.850	7.850	0.000	0.480

TRAFFIC SAFETY WRKR	HWY	24.300	25.900	1.5	1.5	2.0	3.780	1.875	0.000	0.000
TRUCK DRIVER	E ALL 1	30.700	31.350	1.5	1.5	2.0	6.750	5.450	0.000	0.150
TRUCK DRIVER	E ALL 2	30.950	31.350	1.5	1.5	2.0	6.750	5.450	0.000	0.150
TRUCK DRIVER	E ALL 3	31.150	31.350	1.5	1.5	2.0	6.750	5.450	0.000	0.150
TRUCK DRIVER	E ALL 4	31.350	31.350	1.5	1.5	2.0	6.750	5.450	0.000	0.150
TRUCK DRIVER	W ALL 1	32.550	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TRUCK DRIVER	W ALL 2	32.700	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TRUCK DRIVER	W ALL 3	32.900	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TRUCK DRIVER	W ALL 4	33.100	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TUCKPOINTER	BLD	36.900	37.900	1.5	1.5	2.0	5.910	8.350	0.000	0.400

Legend:

M-F>8 (Overtime is required for any hour greater than 8 worked each day, Monday through Friday)
 OSA (Overtime is required for every hour worked on Saturday)
 OSH (Overtime is required for every hour worked on Sunday and Holidays)
 H/W (Health & Welfare Insurance)
 Pensn (Pension)
 Vac (Vacation)
 Trng (Training)

Explanations

COOK COUNTY

TRUCK DRIVERS (WEST) - That part of the county West of Barrington Road.

The following list is considered as those days for which holiday rates of wages for work performed apply: New Years Day, Memorial/Decoration Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day. Generally, any of these holidays which fall on a Sunday is celebrated on the following Monday. This then makes work performed on that Monday payable at the appropriate overtime rate for holiday pay. Common practice in a given local may alter certain days of celebration such as the day after Thanksgiving for Veterans Day. If in doubt, please check with IDOL.

EXPLANATION OF CLASSES

ASBESTOS - GENERAL - removal of asbestos material/mold and hazardous materials from any place in a building, including mechanical systems where those mechanical systems are to be removed. This includes the removal of asbestos materials/mold and hazardous materials from ductwork or pipes in a building when the building is to be demolished at the time or at some close future date.

ASBESTOS - MECHANICAL - removal of asbestos material from mechanical systems, such as pipes, ducts, and boilers, where the mechanical systems are to remain.

CERAMIC TILE FINISHER

The grouting, cleaning, and polishing of all classes of tile, whether for interior or exterior purposes, all burned, glazed or unglazed products; all composition materials, granite tiles, warning detectable tiles, cement tiles, epoxy composite materials, pavers, glass, mosaics, fiberglass, and all substitute materials, for tile made in tile-like units; all mixtures in tile like form of cement, metals, and other materials that are for and intended for use as a finished floor

surface, stair treads, promenade roofs, walks, walls, ceilings, swimming pools, and all other places where tile is to form a finished interior or exterior. The mixing of all setting mortars including but not limited to thin-set mortars, epoxies, wall mud, and any other sand and cement mixtures or adhesives when used in the preparation, installation, repair, or maintenance of tile and/or similar materials. The handling and unloading of all sand, cement, lime, tile, fixtures, equipment, adhesives, or any other materials to be used in the preparation, installation, repair, or maintenance of tile and/or similar materials. Ceramic Tile Finishers shall fill all joints and voids regardless of method on all tile work, particularly and especially after installation of said tile work. Application of any and all protective coverings to all types of tile installations including, but not be limited to, all soap compounds, paper products, tapes, and all polyethylene coverings, plywood, masonite, cardboard, and any new type of products that may be used to protect tile installations, Blastrac equipment, and all floor scarifying equipment used in preparing floors to receive tile. The clean up and removal of all waste and materials. All demolition of existing tile floors and walls to be re-tiled.

COMMUNICATIONS ELECTRICIAN - Installation, operation, inspection, maintenance, repair and service of radio, television, recording, voice sound vision production and reproduction, telephone and telephone interconnect, facsimile, data apparatus, coaxial, fibre optic and wireless equipment, appliances and systems used for the transmission and reception of signals of any nature, business, domestic, commercial, education, entertainment, and residential purposes, including but not limited to, communication and telephone, electronic and sound equipment, fibre optic and data communication systems, and the performance of any task directly related to such installation or service whether at new or existing sites, such tasks to include the placing of wire and cable and electrical power conduit or other raceway work within the equipment room and pulling wire and/or cable through conduit and the installation of any incidental conduit, such that the employees covered hereby can complete any job in full.

MARBLE FINISHER

Loading and unloading trucks, distribution of all materials (all stone, sand, etc.), stocking of floors with material, performing all rigging for heavy work, the handling of all material that may be needed for the installation of such materials, building of scaffolding, polishing if needed, patching, waxing of material if damaged, pointing up, caulking, grouting and cleaning of marble, holding water on diamond or Carborundum blade or saw for setters cutting, use of tub saw or any other saw needed for preparation of material, drilling of holes for wires that anchor material set by setters, mixing up of molding plaster for installation of material, mixing up thin set for the installation of material, mixing up of sand to cement for the installation of material and such other work as may be required in helping a Marble Setter in the handling of all material in the erection or installation of interior marble, slate, travertine, art marble, serpentine, alberene stone, blue stone, granite and other stones (meaning as to stone any foreign or domestic materials as are specified and used in building interiors and exteriors and customarily known as stone in the trade), carrara, sanionyx, vitrolite and similar opaque glass and the laying of all marble tile, terrazzo tile, slate tile and precast tile, steps, risers

treads, base, or any other materials that may be used as substitutes for any of the aforementioned materials and which are used on interior and exterior which are installed in a similar manner.

MATERIAL TESTER I: Hand coring and drilling for testing of materials; field inspection of uncured concrete and asphalt.

MATERIAL TESTER II: Field inspection of welds, structural steel, fireproofing, masonry, soil, facade, reinforcing steel, formwork, cured concrete, and concrete and asphalt batch plants; adjusting proportions of bituminous mixtures.

TERRAZZO FINISHER

The handling of sand, cement, marble chips, and all other materials that may be used by the Mosaic Terrazzo Mechanic, and the mixing, grinding, grouting, cleaning and sealing of all Marble, Mosaic, and Terrazzo work, floors, base, stairs, and wainscoting by hand or machine, and in addition, assisting and aiding Marble, Masonic, and Terrazzo Mechanics.

OPERATING ENGINEERS - BUILDING

Class 1. Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Backhoes with Caisson attachment; Batch Plant; Benoto; Boiler and Throttle Valve; Caisson Rigs; Central Redi-Mix Plant; Combination Back Hoe Front End-loader Machine; Compressor and Throttle Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver; Concrete Placer; Concrete Placing Boom; Concrete Pump (Truck Mounted); Concrete Tower; Cranes, All; Cranes, Hammerhead; Cranes, (GCI and similar Type); Creter Crane; Crusher, Stone, etc.; Derricks, All; Derricks, Traveling; Formless Curb and Gutter Machine; Grader, Elevating; Grouting Machines; Highlift Shovels or Front Endloader 2-1/4 yd. and over; Hoists, Elevators, outside type rack and pinion and similar machines; Hoists, one, two and three Drum; Hoists, Two Tugger One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Hydro Vac (and similar equipment); Locomotives, All; Motor Patrol; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretes Dual Ram; Pump Cretes; Squeeze Cretes-screw Type Pumps; Raised and Blind Hole Drill; Roto Mill Grinder; Scoops - Tractor Drawn; Slip-form Paver; Straddle Buggies; Tournapull; Tractor with Boom and Side Boom; Trenching Machines.

Class 2. Boilers; Broom, All Power Propelled; Bulldozers; Concrete Mixer (Two Bag and Over); Conveyor, Portable; Forklift Trucks; Greaser Engineer; Highlift Shovels or Front Endloaders under 2-1/4 yd.; Hoists, Automatic; Hoists, inside Freight Elevators; Hoists, Sewer Dragging Machine; Hoists, Tugger Single Drum; Laser Screed; Rock Drill self-propelled); Rock Drill (truck mounted); Rollers, All; Steam Generators; Tractors, All; Tractor Drawn Vibratory Roller; Winch Trucks with "A" Frame.

Class 3. Air Compressor; Combination - Small Equipment Operator; Generators; Heaters, Mechanical; Hoists, Inside Elevators - (Rheostat Manual Controlled); Hydraulic Power Units (Pile Driving, Extracting, and Drilling); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 small Electric Drill Winches; Bobcat (up to and including 3/4 cu. yd.).

Class 4. Bobcats and/or other Skid Steer Loaders; Oilers; and Brick Forklift.

OPERATING ENGINEERS - FLOATING

Class 1. Craft foreman (Master Mechanic), diver/wet tender, engineer (hydraulic dredge).

Class 2. Crane/backhoe operator, mechanic/welder, assistant engineer (hydraulic dredge), leverman (hydraulic dredge), and diver tender.

Class 3. Deck equipment operator (machineryman), maintenance of crane (over 50 ton capacity) or backhoe (96,000 pounds or more), tug/launch operator, loader, dozer and like equipment on barge, breakwater wall, slip/dock or scow, deck machinery, etc.

Class 4. Deck equipment operator machineryman/fireman, (4 equipment units or more) and crane maintenance 50 ton capacity and under or backhoe weighing 96,000 pounds or less, assistant tug operator.

OPERATING ENGINEERS - HEAVY AND HIGHWAY CONSTRUCTION

Class 1. Craft Foreman; Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Heater Scarfire; Asphalt Spreader; Autograder/GOMACO or other similar type machines; ABG Paver; Backhoes with Caisson attachment; Ballast Regulator; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front Endloader Machine, (1 cu. yd. Backhoe Bucket or over or with attachments); Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Hammerhead, Linden, Peco & Machines of a like nature; Crete Crane; Crusher, Stone, etc.; Derricks, All; Derrick Boats; Derricks, Traveling; Dowell machine with Air Compressor; Dredges; Field Mechanic-Welder; Formless Curb and Gutter Machine; Gradall and Machines of a like nature; Grader, Elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Mounted; Hoists, One, Two and Three Drum; Hydraulic Backhoes; Backhoes with shear attachments; Mucking Machine; Pile Drivers and Skid Rig; Pre-Stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck Mounted; Roto Mill Grinder; Slip-Form Paver; Soil Test Drill Rig (Truck Mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader (with attached pusher - two engineers); Tractor with Boom; Tractaire with Attachments; Trenching Machine; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole; Drills (Tunnel Shaft); Underground Boring and/or Mining Machines; Wheel Excavator; Widener (APSCO).

Class 2. Batch Plant; Bituminous Mixer; Boiler and Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front Endloader Machine (less than 1 cu. yd. Backhoe Bucket or over or with attachments); Compressor and Throttle Valve; Compressor, Common Receiver (3); Concrete Breaker or Hydro Hammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine, Burlap Machine, Belting Machine and Sealing Machine; Concrete Wheel Saw; Conveyor Muck Cars (Haglund or Similar Type); Drills, All; Finishing Machine -

Concrete; Greaser Engineer; Highlift Shovels or Front Endloader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (All Attachments); Hydro-Blaster; All Locomotives, Dinky; Pump Cretes; Squeeze Cretes-Screw Type Pumps, Gypsum Bulker and Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-Propelled Compactor; Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime Mover in Tandem (Regardless of Size); Tank Car Heater; Tractors, Push, Pulling Sheeps Foot, Disc, Compactor, etc.; Tug Boats.

Class 3. Boilers; Brooms, All Power Propelled; Cement Supply Tender; Compressor, Common Receiver (2); Concrete Mixer (Two Bag and Over); Conveyor, Portable; Farm-Type Tractors Used for Mowing, Seeding, etc.; Fireman on Boilers; Forklift Trucks; Grouting Machine; Hoists, Automatic; Hoists, All Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Pipe Jacking Machines; Post-Hole Digger; Power Saw, Concrete Power Driven; Pug Mills; Rollers, other than asphalt; Seed and Straw Blower; Steam Generators; Stump Machine; Winch Trucks with "A" Frame; Work Boats; Tamper - Form-Motor Driven.

Class 4. Air Compressor; Combination - Small Equipment Operator; Directional Boring Machine; Generators; Heaters, Mechanical; Hydraulic Power Unit (Pile Driving, Extracting, or Drilling); Hydro-Blaster; Light Plants, All (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Tractaire; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 5. Bobcats (all); Brick Forklifts, Oilers.

TRAFFIC SAFETY

Work associated with barricades, horses and drums used to reduce lane usage on highway work, the installation and removal of temporary lane markings, and the installation and removal of temporary road signs.

TRUCK DRIVER - BUILDING, HEAVY AND HIGHWAY CONSTRUCTION - EAST & WEST

Class 1. Two or three Axle Trucks. A-frame Truck when used for transportation purposes; Air Compressors and Welding Machines, including those pulled by cars, pick-up trucks and tractors; Ambulances; Batch Gate Lockers; Batch Hopperman; Car and Truck Washers; Carry-alls; Fork Lifts and Hoisters; Helpers; Mechanics Helpers and Greasers; Oil Distributors 2-man operation; Pavement Breakers; Pole Trailer, up to 40 feet; Power Mower Tractors; Self-propelled Chip Spreader; Skipman; Slurry Trucks, 2-man operation; Slurry Truck Conveyor Operation, 2 or 3 man; TEAMsters Unskilled dumpman; and Truck Drivers hauling warning lights, barricades, and portable toilets on the job site.

Class 2. Four axle trucks; Dump Crets and Adgetors under 7 yards; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnapulls or Turnatrailers when pulling other than self-loading equipment or similar equipment under 16 cubic yards; Mixer Trucks under 7 yards; Ready-mix Plant Hopper Operator, and Winch Trucks, 2 Axles.

Class 3. Five axle trucks; Dump Crets and Adgetors 7 yards and over; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnatrailers or

turnapulls when pulling other than self-loading equipment or similar equipment over 16 cubic yards; Explosives and/or Fission Material Trucks; Mixer Trucks 7 yards or over; Mobile Cranes while in transit; Oil Distributors, 1-man operation; Pole Trailer, over 40 feet; Pole and Expandable Trailers hauling material over 50 feet long; Slurry trucks, 1-man operation; Winch trucks, 3 axles or more; Mechanic--Truck Welder and Truck Painter.

Class 4. Six axle trucks; Dual-purpose vehicles, such as mounted crane trucks with hoist and accessories; Foreman; Master Mechanic; Self-loading equipment like P.B. and trucks with scoops on the front.

Other Classifications of Work:

For definitions of classifications not otherwise set out, the Department generally has on file such definitions which are available. If a task to be performed is not subject to one of the classifications of pay set out, the Department will upon being contacted state which neighboring county has such a classification and provide such rate, such rate being deemed to exist by reference in this document. If no neighboring county rate applies to the task, the Department shall undertake a special determination, such special determination being then deemed to have existed under this determination. If a project requires these, or any classification not listed, please contact IDOL at 618/993-7271 for wage rates or clarifications.

LANDSCAPING

Landscaping work falls under the existing classifications for laborer, operating engineer and truck driver. The work performed by landscape plantsman and landscape laborer is covered by the existing classification of laborer. The work performed by landscape operators (regardless of equipment used or its size) is covered by the classifications of operating engineer. The work performed by landscape truck drivers (regardless of size of truck driven) is covered by the classifications of truck driver.

Will County Prevailing Wage for June 2008

Trade Name	RG	TYP	C	Base	FRMAN	*M-F>8	OSA	OSH	H/W	Pensn	Vac	Trng
=====	===	=	=	=====	=====	=====	===	===	=====	=====	=====	=====
ASBESTOS ABT-GEN			ALL	34.750	35.250	1.5	1.5	2.0	8.830	6.170	0.000	0.270
ASBESTOS ABT-MEC			BLD	26.180	27.930	1.5	1.5	2.0	8.760	6.410	0.000	0.310
BOILERMAKER			BLD	39.450	43.000	2.0	2.0	2.0	6.720	8.490	0.000	0.300
BRICK MASON			BLD	36.430	40.070	1.5	1.5	2.0	7.700	8.770	0.000	0.440
CARPENTER			ALL	37.550	41.310	1.5	1.5	2.0	7.850	10.56	0.000	0.490
CEMENT MASON			ALL	37.500	39.500	2.0	2.0	2.0	7.000	9.430	0.000	0.150
CERAMIC TILE FNSHER			BLD	30.150	0.000	1.5	1.5	2.0	5.850	6.600	0.000	0.340
COMMUNICATION TECH			BLD	31.000	32.500	1.5	1.5	2.0	8.770	8.930	0.000	0.310
ELECTRIC PWR EQMT OP			ALL	37.300	43.450	1.5	1.5	2.0	8.310	10.77	0.000	0.280
ELECTRIC PWR GRNDMAN			ALL	29.090	43.450	1.5	1.5	2.0	6.450	8.390	0.000	0.220
ELECTRIC PWR LINEMAN			ALL	37.300	43.450	1.5	1.5	2.0	8.310	10.77	0.000	0.280
ELECTRICIAN			BLD	36.500	39.790	1.5	1.5	2.0	9.170	11.84	0.000	0.370
ELEVATOR CONSTRUCTOR			BLD	43.925	49.420	2.0	2.0	2.0	8.775	6.960	2.640	0.000
GLAZIER			BLD	37.000	38.500	1.5	1.5	2.0	7.340	12.05	0.000	0.690
HT/FROST INSULATOR			BLD	37.400	39.150	1.5	1.5	2.0	8.760	10.11	0.000	0.310
IRON WORKER			ALL	32.000	33.000	2.0	2.0	2.0	8.040	13.92	0.000	0.550
LABORER			ALL	34.750	35.500	1.5	1.5	2.0	8.830	6.170	0.000	0.270
LATHER			ALL	37.550	41.310	1.5	1.5	2.0	7.850	10.56	0.000	0.490
MACHINIST			BLD	38.390	40.390	2.0	2.0	2.0	4.880	6.550	2.650	0.000
MARBLE FINISHERS			ALL	27.680	0.000	1.5	1.5	2.0	7.520	8.770	0.000	0.440
MARBLE MASON			BLD	36.430	40.070	1.5	1.5	2.0	7.700	8.770	0.000	0.440
MATERIAL TESTER I			ALL	24.750	0.000	1.5	1.5	2.0	8.830	6.170	0.000	0.270
MATERIALS TESTER II			ALL	29.750	0.000	1.5	1.5	2.0	8.830	6.170	0.000	0.270
MILLWRIGHT			ALL	37.550	41.310	1.5	1.5	2.0	7.850	10.56	0.000	0.490
OPERATING ENGINEER		BLD 1		41.550	45.550	2.0	2.0	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER		BLD 2		40.250	45.550	2.0	2.0	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER		BLD 3		37.700	45.550	2.0	2.0	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER		BLD 4		35.950	45.550	2.0	2.0	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER		FLT 1		47.250	47.250	1.5	1.5	2.0	6.850	5.600	1.900	0.000
OPERATING ENGINEER		FLT 2		45.750	47.250	1.5	1.5	2.0	6.850	5.600	1.900	0.000
OPERATING ENGINEER		FLT 3		40.700	47.250	1.5	1.5	2.0	6.850	5.600	1.900	0.000
OPERATING ENGINEER		FLT 4		33.850	47.250	1.5	1.5	2.0	6.850	5.600	1.900	0.000
OPERATING ENGINEER		HWY 1		39.750	43.750	1.5	1.5	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER		HWY 2		39.200	43.750	1.5	1.5	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER		HWY 3		37.150	43.750	1.5	1.5	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER		HWY 4		35.750	43.750	1.5	1.5	2.0	6.850	5.600	1.900	0.700
OPERATING ENGINEER		HWY 5		34.550	43.750	1.5	1.5	2.0	6.850	5.600	1.900	0.700
PAINTER			ALL	35.400	39.820	1.5	1.5	2.0	6.550	7.400	0.000	0.340
PAINTER SIGNS			BLD	28.970	32.520	1.5	1.5	1.5	2.600	2.310	0.000	0.000
PILEDRIIVER			ALL	37.550	41.310	1.5	1.5	2.0	7.850	10.56	0.000	0.490
PIPEFITTER			BLD	37.600	39.600	1.5	1.5	2.0	8.660	6.900	0.000	0.940
PLASTERER			BLD	36.100	38.270	1.5	1.5	2.0	7.000	7.740	0.000	0.400
PLUMBER			BLD	40.000	42.000	1.5	1.5	2.0	8.000	8.500	0.000	0.760
ROOFER			BLD	35.000	38.000	1.5	1.5	2.0	6.800	3.870	0.000	0.330
SHEETMETAL WORKER			BLD	38.210	40.210	1.5	1.5	2.0	7.300	8.870	0.000	0.640
SPRINKLER FITTER			BLD	40.500	42.500	1.5	1.5	2.0	8.500	6.850	0.000	0.500
STONE MASON			BLD	36.430	40.070	1.5	1.5	2.0	7.700	8.770	0.000	0.440
TERRAZZO FINISHER			BLD	31.810	0.000	1.5	1.5	2.0	5.850	9.200	0.000	0.280
TERRAZZO MASON			BLD	35.390	38.390	1.5	1.5	2.0	5.850	10.05	0.000	0.320
TILE MASON			BLD	36.630	40.630	1.5	1.5	2.0	5.850	7.850	0.000	0.480
TRAFFIC SAFETY WRKR			HWY	24.300	25.900	1.5	1.5	2.0	3.780	1.875	0.000	0.000
TRUCK DRIVER		ALL 1		34.200	34.750	1.5	1.5	2.0	6.000	4.075	0.000	0.250
TRUCK DRIVER		ALL 2		34.350	34.750	1.5	1.5	2.0	6.000	4.075	0.000	0.250
TRUCK DRIVER		ALL 3		34.550	34.750	1.5	1.5	2.0	6.000	4.075	0.000	0.250

TRUCK DRIVER	ALL 4	34.750	34.750	1.5	1.5	2.0	6.000	4.075	0.000	0.250
TUCKPOINTER	BLD	36.900	37.900	1.5	1.5	2.0	5.910	8.350	0.000	0.400

Legend:

M-F>8 (Overtime is required for any hour greater than 8 worked each day, Monday through Friday.)
 OSA (Overtime is required for every hour worked on Saturday)
 OSH (Overtime is required for every hour worked on Sunday and Holidays)
 H/W (Health & Welfare Insurance)
 Pensn (Pension)
 Vac (Vacation)
 Trng (Training)

Explanations**WILL COUNTY**

IRONWORKERS (SOUTH) - That part of the county South of a diagonal line through Braidwood and Goodenow.

The following list is considered as those days for which holiday rates of wages for work performed apply: New Years Day, Memorial/Decoration Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day. Generally, any of these holidays which fall on a Sunday is celebrated on the following Monday. This then makes work performed on that Monday payable at the appropriate overtime rate for holiday pay. Common practice in a given local may alter certain days of celebration such as the day after Thanksgiving for Veterans Day. If in doubt, please check with IDOL.

EXPLANATION OF CLASSES

ASBESTOS - GENERAL - removal of asbestos material/mold and hazardous materials from any place in a building, including mechanical systems where those mechanical systems are to be removed. This includes the removal of asbestos materials/mold and hazardous materials from ductwork or pipes in a building when the building is to be demolished at the time or at some close future date.

ASBESTOS - MECHANICAL - removal of asbestos material from mechanical systems, such as pipes, ducts, and boilers, where the mechanical systems are to remain.

CERAMIC TILE FINISHER

The grouting, cleaning, and polishing of all classes of tile, whether for interior or exterior purposes, all burned, glazed or unglazed products; all composition materials, granite tiles, warning detectable tiles, cement tiles, epoxy composite materials, pavers, glass, mosaics, fiberglass, and all substitute materials, for tile made in tile-like units; all mixtures in tile like form of cement, metals, and other materials that are for and intended for use as a finished floor surface, stair treads, promenade roofs, walks, walls, ceilings, swimming pools, and all other places where tile is to form a finished interior or exterior. The mixing of all setting mortars including but not limited to thin-set mortars, epoxies, wall mud, and any other sand and cement mixtures or adhesives when used in the preparation, installation, repair, or maintenance of tile and/or similar materials. The handling and unloading of all sand, cement, lime, tile,

fixtures, equipment, adhesives, or any other materials to be used in the preparation, installation, repair, or maintenance of tile and/or similar materials. Ceramic Tile Finishers shall fill all joints and voids regardless of method on all tile work, particularly and especially after installation of said tile work. Application of any and all protective coverings to all types of tile installations including, but not be limited to, all soap compounds, paper products, tapes, and all polyethylene coverings, plywood, masonite, cardboard, and any new type of products that may be used to protect tile installations, Blastrac equipment, and all floor scarifying equipment used in preparing floors to receive tile. The clean up and removal of all waste and materials. All demolition of existing tile floors and walls to be re-tiled.

COMMUNICATIONS TECHNICIAN

Installation, operation, inspection, maintenance, repair and service of radio, television, recording, voice, sound and vision production and reproduction, telephone and telephone interconnect, facsimile, equipment and appliances used for domestic, commercial, educational and entertainment purposes, pulling of wire through conduit but not the installation of conduit.

MARBLE FINISHER

Loading and unloading trucks, distribution of all materials (all stone, sand, etc.), stocking of floors with material, performing all rigging for heavy work, the handling of all material that may be needed for the installation of such materials, building of scaffolding, polishing if needed, patching, waxing of material if damaged, pointing up, caulking, grouting and cleaning of marble, holding water on diamond or Carborundum blade or saw for setters cutting, use of tub saw or any other saw needed for preparation of material, drilling of holes for wires that anchor material set by setters, mixing up of molding plaster for installation of material, mixing up thin set for the installation of material, mixing up of sand to cement for the installation of material and such other work as may be required in helping a Marble Setter in the handling of all material in the erection or installation of interior marble, slate, travertine, art marble, serpentine, alberene stone, blue stone, granite and other stones (meaning as to stone any foreign or domestic materials as are specified and used in building interiors and exteriors and customarily known as stone in the trade), carrara, sanionyx, vitrolite and similar opaque glass and the laying of all marble tile, terrazzo tile, slate tile and precast tile, steps, risers treads, base, or any other materials that may be used as substitutes for any of the aforementioned materials and which are used on interior and exterior which are installed in a similar manner.

MATERIAL TESTER I: Hand coring and drilling for testing of materials; field inspection of uncured concrete and asphalt.

MATERIAL TESTER II: Field inspection of welds, structural steel, fireproofing, masonry, soil, facade, reinforcing steel, formwork, cured concrete, and concrete and asphalt batch plants; adjusting proportions of bituminous mixtures.

TRAFFIC SAFETY - work associated with barricades, horses and drums used to reduce lane usage on highway work, the installation and

removal of temporary lane markings, and the installation and removal of temporary road signs.

TRUCK DRIVER - BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

Class 1. Two or three Axle Trucks. A-frame Truck when used for transportation purposes; Air Compressors and Welding Machines, including those pulled by cars, pick-up trucks and tractors; Ambulances; Batch Gate Lockers; Batch Hopperman; Car and Truck Washers; Carry-alls; Fork Lifts and Hoisters; Helpers; Mechanics Helpers and Greasers; Oil Distributors 2-man operation; Pavement Breakers; Pole Trailer, up to 40 feet; Power Mower Tractors; Self-propelled Chip Spreader; Skipman; Slurry Trucks, 2-man operation; Slurry Truck Conveyor Operation, 2 or 3 man; Teamsters; Unskilled dumpman; and Truck Drivers hauling warning lights, barricades, and portable toilets on the job site.

Class 2. Four axle trucks; Dump Crets and Adgetors under 7 yards; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnapulls or Turnatrailers when pulling other than self-loading equipment or similar equipment under 16 cubic yards; Mixer Trucks under 7 yards; Ready-mix Plant Hopper Operator, and Winch Trucks, 2 Axles.

Class 3. Five axle trucks; Dump Crets and Adgetors 7 yards and over; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnatrailers or turnapulls when pulling other than self-loading equipment or similar equipment over 16 cubic yards; Explosives and/or Fission Material Trucks; Mixer Trucks 7 yards or over; Mobile Cranes while in transit; Oil Distributors, 1-man operation; Pole Trailer, over 40 feet; Pole and Expandable Trailers hauling material over 50 feet long; Slurry trucks, 1-man operation; Winch trucks, 3 axles or more; Mechanic--Truck Welder and Truck Painter.

Class 4. Six axle trucks; Dual-purpose vehicles, such as mounted crane trucks with hoist and accessories; Foreman; Master Mechanic; Self-loading equipment like P.B. and trucks with scoops on the front.

OPERATING ENGINEERS - BUILDING

Class 1. Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Backhoes with Caisson attachment; Batch Plant; Benoto; Boiler and Throttle Valve; Caisson Rigs; Central Redi-Mix Plant; Combination Back Hoe Front End-loader Machine; Compressor and Throttle Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver; Concrete Placer; Concrete Placing Boom; Concrete Pump (Truck Mounted); Concrete Tower; Cranes, All; Cranes, Hammerhead; Cranes, (GCI and similar Type); Creter Crane; Crusher, Stone, etc.; Derricks, All; Derricks, Traveling; Formless Curb and Gutter Machine; Grader, Elevating; Grouting Machines; Highlift Shovels or Front Endloader 2-1/4 yd. and over; Hoists, Elevators, outside type rack and pinion and similar machines; Hoists, one, two and three Drum; Hoists, Two Tugger One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Hydro Vac (and similar equipment); Locomotives, All; Motor Patrol; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretes Dual Ram; Pump Cretes; Squeeze Cretes-screw Type Pumps; Raised and Blind Hole Drill; Roto Mill Grinder; Scoops - Tractor Drawn; Slip-form Paver; Straddle Buggies; Tournapull; Tractor with Boom and Side Boom; Trenching Machines.

Class 2. Boilers; Broom, All Power Propelled; Bulldozers; Concrete

Mixer (Two Bag and Over); Conveyor, Portable; Forklift Trucks; Greaser Engineer; Highlift Shovels or Front Endloaders under 2-1/4 yd.; Hoists, Automatic; Hoists, inside Freight Elevators; Hoists, Sewer Dragging Machine; Hoists, Tugger Single Drum; Laser Screed; Rock Drill (self-propelled); Rock Drill (truck mounted); Rollers, All; Steam Generators; Tractors, All; Tractor Drawn Vibratory Roller; Winch Trucks with "A" Frame.

Class 3. Air Compressor; Combination - Small Equipment Operator; Generators; Heaters, Mechanical; Hoists, Inside Elevators - (Rheostat Manual Controlled); Hydraulic Power Units (Pile Driving, Extracting, and Drilling); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 small Electric Drill Winches; Bobcat (up to and including 3/4 cu. yd.).

Class 4. Bobcats and/or other Skid Steer Loaders; Oilers; and Brick Forklift.

OPERATING ENGINEERS - FLOATING

Class 1. Craft foreman (Master Mechanic), diver/wet tender, engineer (hydraulic dredge).

Class 2. Crane/backhoe operator, mechanic/welder, assistant engineer (hydraulic dredge), leverman (hydraulic dredge), and diver tender.

Class 3. Deck equipment operator (machineryman), maintenance of crane (over 50 ton capacity) or backhoe (96,000 pounds or more), tug/launch operator, loader, dozer and like equipment on barge, breakwater wall, slip/dock or scow, deck machinery, etc.

Class 4. Deck equipment operator (machineryman/fireman), (4 equipment units or more) and crane maintenance 50 ton capacity and under or backhoe weighing 96,000 pounds or less, assistant tug operator.

OPERATING ENGINEERS - HEAVY AND HIGHWAY CONSTRUCTION

Class 1. Craft Foreman; Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Heater Scarfire; Asphalt Spreader; Autograder/GOMACO or other similar type machines; ABG Paver; Backhoes with Caisson attachment; Ballast Regulator; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front Endloader Machine, (1 cu. yd. Backhoe Bucket or over or with attachments); Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Hammerhead, Linden, Peco & Machines of a like nature; Crete Crane; Crusher, Stone, etc.; Derricks, All; Derrick Boats; Derricks, Traveling; Dowell machine with Air Compressor; Dredges; Field Mechanic-Welder; Formless Curb and Gutter Machine; Gradall and Machines of a like nature; Grader, Elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Mounted; Hoists, One, Two and Three Drum; Hydraulic Backhoes; Backhoes with shear attachments; Mucking Machine; Pile Drivers and Skid Rig; Pre-Stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck Mounted; Roto Mill Grinder; Slip-Form Paver; Soil Test Drill Rig (Truck Mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader (with attached pusher - two engineers); Tractor with Boom; Tractaire with

Attachments; Trenching Machine; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole; Drills (Tunnel Shaft); Underground Boring and/or Mining Machines; Wheel Excavator; Widener (APSCO).

Class 2. Batch Plant; Bituminous Mixer; Boiler and Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front Endloader Machine (less than 1 cu. yd. Backhoe Bucket or over or with attachments); Compressor and Throttle Valve; Compressor, Common Receiver (3); Concrete Breaker or Hydro Hammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine, Burlap Machine, Belting Machine and Sealing Machine; Concrete Wheel Saw; Conveyor Muck Cars (Haglund or Similar Type); Drills, All; Finishing Machine - Concrete; Greaser Engineer; Highlift Shovels or Front Endloader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (All Attachments); Hydro-Blaster; All Locomotives, Dinky; Pump Cretes; Squeeze Cretes-Screw Type Pumps, Gypsum Bulker and Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-Propelled Compactor; Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime Mover in Tandem (Regardless of Size); Tank Car Heater; Tractors, Push, Pulling Sheeps Foot, Disc, Compactor, etc.; Tug Boats.

Class 3. Boilers; Brooms, All Power Propelled; Cement Supply Tender; Compressor, Common Receiver (2); Concrete Mixer (Two Bag and Over); Conveyor, Portable; Farm-Type Tractors Used for Mowing, Seeding, etc.; Fireman on Boilers; Forklift Trucks; Grouting Machine; Hoists, Automatic; Hoists, All Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Pipe Jacking Machines; Post-Hole Digger; Power Saw, Concrete Power Driven; Pug Mills; Rollers, other than asphalt; Seed and Straw Blower; Steam Generators; Stump Machine; Winch Trucks with "A" Frame; Work Boats; Tamper - Form-Motor Driven.

Class 4. Air Compressor; Combination - Small Equipment Operator; Directional Boring Machine; Generators; Heaters, Mechanical; Hydraulic Power Unit (Pile Driving, Extracting, or Drilling); Hydro-Blaster; Light Plants, All (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Tractaire; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 5. Bobcats (all); Brick Forklifts; Oilers.

TERRAZZO FINISHER

The handling of sand, cement, marble chips, and all other materials that may be used by the Mosaic Terrazzo Mechanic, and the mixing, grinding, grouting, cleaning and sealing of all Marble, Mosaic, and Terrazzo work, floors, base, stairs, and wainscoting by hand or machine, and in addition, assisting and aiding Marble, Masonic, and Terrazzo Mechanics.

Other Classifications of Work:

For definitions of classifications not otherwise set out, the Department generally has on file such definitions which are available. If a task to be performed is not subject to one of the classifications of pay set out, the Department will upon being contacted state which neighboring county has such a classification and provide such rate, such rate being deemed to exist by reference in

this document. If no neighboring county rate applies to the task, the Department shall undertake a special determination, such special determination being then deemed to have existed under this determination. If a project requires these, or any classification not listed, please contact IDOL at 618/993-7271 for wage rates or clarifications.

LANDSCAPING

Landscaping work falls under the existing classifications for laborer, operating engineer and truck driver. The work performed by landscape plantsman and landscape laborer is covered by the existing classification of laborer. The work performed by landscape operators (regardless of equipment used or its size) is covered by the classifications of operating engineer. The work performed by landscape truck drivers (regardless of size of truck driven) is covered by the classifications of truck driver.

AGENDA BRIEFING

DATE: June 26, 2008

TO: Mayor Ostenburg
Board of Trustees

FROM: Kenneth Eyer

RE: Replace Chapter 46 of the Code of Ordinances

BACKGROUND/DISCUSSION:

FEMA has published new floodplain maps for all of Cook County, which become effective on August 19, 2008. These new, revised maps must be specified in the Village's floodplain ordinance before their effective date. This is necessary for the Village to maintain participate in the National Flood Insurance Program.

The Village is adopting the IDNR-OWR model floodplain ordinance, which will replace the Village's current floodplain ordinance. The Village's current floodplain ordinance is similar to an earlier version of this model ordinance, but has not been updated in some years. By adopting the model ordinance with some minor changes, the Village will ensure that it meets all of the state and federal floodplain requirements, while making it easier to update its ordinance in future years. As part of this new ordinance adoption, the dates of the floodplain maps will be updated to August 19, 2008, as required by FEMA.

There will be no major changes to the requirements of the Village's floodplain ordinance with the adoption of the model ordinance. The order of some sections of the current ordinance will change, but the content will be basically the same.

The Village's ordinance actually includes some more restrictive requirements than those of the model ordinance, including the prohibition of sheds and detached garages in floodplains, prohibition of storage of items in residential or non-residential buildings below the flood protection elevation, elevation requirements for garages in floodplains, and additional requirements for septic systems, on-stream detention facilities, and stockpiles in floodplains. These more restrictive elements were added to the model ordinance to create the proposed new Village floodplain ordinance.

A representative from Baxter & Woodman will be at the July 14 Board meeting to present this ordinance and answer Board questions.

SCHEDULE FOR CONSIDERATION: This item will appear on the Agenda of the Rules meeting of July 14, 2008 for discussion.

*Copy
Tom White
Ken Eyer*



FEMA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAY 15 2008



The Honorable John Ostenburg
Village President
Village of Park Forest
350 Victory Drive
Park Forest, Illinois 60466

Dear Mr. Ostenburg:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the Village of Park Forest, Illinois, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on August 19, 2008; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated February 19, 2008, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for the Village of Park Forest. Therefore, the Village of Park Forest should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the Village of Park Forest will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Illinois Department of Natural Resources. You may contact Paul Osman, CFM, the NFIP State Coordinator, by telephone at (217) 782-4428, in writing at One Natural Resources Way, Springfield, Illinois 62702, or by electronic mail at paul.osman@illinois.gov.

The FEMA Regional staff in Chicago, Illinois, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the Village of Park Forest and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (312) 408-5500 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region V, at 536 South Clark Street, Chicago, Illinois 60605.

The Honorable John Ostenburg

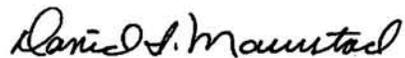
MAY 15 2008

Page 2

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until August 19, 2008, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by the FIRM effective date. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



David I. Maurstad
Assistant Administrator
Mitigation Directorate

cc: Edward G. Buikema, Regional Administrator, FEMA Region V
Paul Osman, CFM, NFIP State Coordinator, Illinois Department of Natural Resources
Edward J. Rylzaj, Engineer Technician, Village of Park Forest

ORDINANCE NO. _____

**AN ORDINANCE DELETING AND REPEALING CHAPTER 46 (“FLOODS”)
OF THE CODE OF ORDINANCES OF THE VILLAGE OF PARK FOREST,
COOK AND WILL COUNTIES, ILLINOIS AND
REPLACING IT WITH A NEW CHAPTER 46**

BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Park Forest, Cook and Will Counties, Illinois, in the exercise of the Village’s home rule powers, as follows:

Section 1. Current Chapter 46 of the Code of Ordinances Deleted and Repealed. Chapter 46 (“Floods”) of the Code of Ordinances of the Village of Park Forest, Cook and Will Counties, Illinois, is deleted and repealed in its entirety.

Section 2. Replacement of Chapter 46 of the Code of Ordinances. The deleted and replaced with Chapter 46 is replaced in its entirety with a new Chapter 46, attached hereto and incorporated herein by reference.

Section 2. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2008.

APPROVED:

ATTEST:

MAYOR

CLERK

AYES:

NAYS:

ABSENT:

Chapter 46 FLOODS*

***Editor's note:** Ord. No. _____, adopted _____, 2008, amended Chapter 46 in its entirety to read as herein set out. Previously, Ord. No. 1815, § I, adopted May 23, 2005, amended chapter 46 in its entirety. Formerly, said chapter pertained to similar subject matter as enacted by Ord. No. 1401, § VIII, adopted Nov. 13, 1989; as amended. See the Ordinance Disposition Table for a detailed analysis of inclusion.

Cross references: Buildings and building regulations, ch. 18; emergency services, ch. 34; environment, ch. 38; health and sanitation, ch. 50; natural open space, ch. 62; parks and recreation, ch. 70; planning, ch. 78; solid waste, ch. 86; streets, sidewalks and other public places, ch. 90; subdivision regulations, ch. 94; utilities, ch. 106; zoning regulations, ch. 118.

- Sec. 46.1. Purpose.
- Sec. 46.2. Definitions.
- Sec. 46.3. How to use this chapter.
- Sec. 46.4. Duties of enforcement official.
- Sec. 46.5. Base flood Elevation.
- Sec. 46.6. Occupation and use of flood fringe areas.
- Sec. 46.7. Occupation and use of designated floodways.
- Sec. 46.8. Occupation and use of special flood hazard areas where floodways are not Identified.
- Sec. 46.9. Permitting requirements applicable to all floodplain areas and protection of Buildings.
- Sec. 46.10. Other development requirements.
- Sec.46.11. Variances .
- Sec. 46.12. Disclaimer of liability.
- Sec. 46.13. Penalty.
- Sec. 46.14. Abrogation and greater restrictions.

Sec. 46.1. Purpose.

This chapter is enacted pursuant to the police powers granted to the village by 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2, as amended. The purpose of this chapter is to maintain the village's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This chapter is adopted in order to accomplish the following specific purposes:

- (1) To meet the requirements of 615 ILCS 5/18(g) Rivers, Lakes and Streams Act, as amended;
- (2) To assure that new development does not increase the flood or drainage hazards to others, or creating unstable conditions susceptible to erosion;
- (3) To protect new buildings and major improvements to buildings from flood damage;
- (4) To protect human life and health from the hazards of flooding;
- (5) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- (6) To make federally subsidized flood insurance available for property in the village by fulfilling the requirements of the National Flood Insurance Program;
- (7) To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended;
- (8) To protect, conserve, and promote the orderly development of land and water resources; and
- (9) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Sec. 46.2. Definitions.

For the purpose of this chapter, and the interpretation and enforcement thereof, the following terms, phrases, words and their derivations shall have the meanings

given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

Accessory structure means a non-habitable structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Act means an act in relation to the regulation of the rivers, lakes and streams of the State of Illinois", 615 ILCS 5/5 et seq.

Applicant means any person, firm, corporation or agency which submits an application.

Appropriate use means only uses of the designated floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Section 46.7(2).

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in Section 46.5 of this Chapter.

Base flood elevation (BFE) means the elevation in relation to mean sea level of the crest of the base flood.

Basement means that portion of the building having its floor subgrade (below ground level) on all sides.

Buffer means an area of predominantly vegetated land located adjacent to channels, wetlands, lakes or ponds for the purpose of reducing contaminants in stormwater that flows to such areas.

Building means a walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

Channel means any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Channel Modification means alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bottom or banks. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g. straightening).

Compensatory storage means an artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

Conditional approval of a designated floodway map change means preconstruction approval by IDNR/OWR and FEMA of a proposed change to the floodway map. This preconstruction approval, pursuant to this Part, gives assurances to the property owner that once an Appropriate Use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

Conditional letter of map revision (CLOMR) means a letter which indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

Control structure means a structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

Critical facility means any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances). Examples of critical facilities where flood protection is recommended include: sewage treatment plants, water treatment plants, and pumping stations.

Dam means all obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing

or diverting water or creating a pool. Dams may also include weirs, restrictive culverts or impoundment structures. Underground water storage tanks are not included.

Depressional storage means the volume contained below a closed contour on a one-foot contour interval topographic map, the upper elevation which is determined by the invert of a surface gravity outlet.

Designated floodway means the channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse, generally depicted on the FEMA FIRM map, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10 percent increase in velocities.

(1) The floodways are designated for Thorn Creek, Deer Creek, Butterfield Creek, and the East Branch of Butterfield Creek on the following map panel numbers 17031C0739J, 17031C0743J, 17031C0802J, 17031C0806J, and 17031C0807J, of the countywide Flood Insurance Rate Map for Cook County prepared by FEMA and dated August 19, 2008; and on the following map panel numbers 17197C0354F and 17197C 0358F, of the countywide Flood Insurance Rate Maps of Will County prepared by FEMA and dated November 6, 2000. When two floodway maps exist for a waterway, the more restrictive floodway limit shall prevail.

(2) The floodways for those parts of unincorporated Cook and Will Counties that are within the extraterritorial jurisdiction of the village that may be annexed into the village are designated for Thorn Creek, Deer Creek, Butterfield Creek and the East Branch of Butterfield Creek on the following map panel numbers 17031C0738J, 17031C0739J, 17031C0743J, 17031C0801J, 17031C0802J, 17031C0806J, and 17031C0807J, of the countywide Flood Insurance Rate Map for Cook County prepared by FEMA and dated August 19, 2008; and on the following map panel numbers 17197C0353E, 17197C0354F, 17197C0358F, 17197C0359F and 17197C0362E, of the countywide Flood Insurance Rate Maps of Will County prepared by FEMA and dated September 6, 1995 and November 6, 2000.

(3) To locate the designated floodway boundary on any site, the designated floodway boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation.

Developer means a person who creates or causes a development.

Development means any man-made change to real estate, including:

- (1) Construction, reconstruction, repair, or placement of a building or any addition to a building.
- (2) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than 180 days. If the travel trailer or recreational vehicle is on site for more than 180 days, it must be fully licensed and ready for highway use.
- (3) Drilling, mining, installing utilities, construction of roads, bridges, or similar projects.
- (4) Demolition of a structure or redevelopment of a site.
- (5) Clearing of land as an adjunct of construction
- (6) Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving, or other non-agricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste;
- (7) Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal;
- (8) Substantial improvement of an existing building.

Development does not include routine maintenance of existing buildings and facilities such as re-roofing or re-surfacing of roads when there is no increase in elevation, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

Drainage area means the land area above a given point that may contribute runoff flow at that point from rainfall.

Elevation certificate means a form published by FEMA that is used to certify the elevation to which a building has been elevated.

Erosion means the general process whereby soils are moved by flowing water or wave action.

Exempt organizations means organizations which are exempt from this chapter per Illinois Compiled Statutes (ILCS) including state, federal or local units of government.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed before April 1, 1990.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency and its regulations at 44 CFR 59-79, as amended.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood frequency means a period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

Flood fringe means that portion of the floodplain outside of the designated floodway. See commentary on “designated floodway”.

Flood insurance rate map (FIRM) means a map prepared by FEMA that depicts the Special Flood Hazard Area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

Flood insurance study means an examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations.

Floodplain means that land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached Special Flood Hazard Areas, ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area (SFHA).

(1) The floodplains are those lands within the jurisdiction of the village that are subject to inundation by the base flood or 100-year frequency flood. The SFHAs of the village are designated for Thorn Creek, Deer Creek, Butterfield Creek, and the East Branch of Butterfield Creek and generally identified as SFHAs on panel number(s) 17031C0739J, 17031C0743J, 17031C0802J, 17031C0806J, and 17031C0807J of the Cook County Flood Insurance Rate Map of the village prepared by the Federal Emergency

Management Agency and dated August 19, 2008, and on panel number(s) 17197C0354F and 17197C0358F of the Will County Flood Insurance Rate Map of the village prepared by the Federal Emergency Management Agency and dated November 6, 2000.

(2) The SFHAs of those parts of unincorporated Cook and Will Counties that are within the extraterritorial jurisdiction of the village or that may be annexed into the village are designated for Thorn Creek, Deer Creek, Butterfield Creek, and the East Branch of Butterfield Creek and generally identified as SFHAs on panel numbers(s) 17031C0738J, 17031C0739J, 17031C0743J, 17031C0801J, 17031C0802J, 17031C0806J, and 17031C0807J of the Cook County Flood Insurance Rate Map of the village prepared by the Federal Emergency Management Agency and dated August 19, 2008, and on panel number(s) 17197C0353E, 17197C0354F, 17197C0358F, 17197C0359F and 17197C0362E of the Will County Flood Insurance Rate Map of the village prepared by the Federal Emergency Management Agency and dated September 6, 1995 and November 6, 2000.

Floodproofing means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodproofing certificate means a form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

Flood protection elevation (FPE) means the elevation of the base flood or 100-year frequency floods plus one foot of freeboard at any given location in the SFHA.

Floodway See “Designated Floodway”.

Freeboard means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic Structure means any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminary determined by the Secretary of the Interior as contributing to the historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on the State inventory of historic places by the Illinois Historic Preservation Agency;

(4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

Hydraulics means the science and study of the mechanical behavior of water in physical systems and processes.

Hydraulically equivalent compensatory storage means compensatory storage either adjacent to the floodplain fill or not located adjacent to the development but can be shown by hydrologic and hydraulic analysis to be equivalent to compensatory storage located adjacent to the development.

Hydrologic and hydraulic calculations means engineering analyses which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

Hydrology means the science of the behavior of water, including its dynamics, composition, and distribution in the atmosphere, on the surface of the earth, and underground.

IDNR/OWR means the Illinois Department of Natural Resources, Office of Water Resources.

Intermittent stream means a stream whose bed intersects the groundwater table for only a portion of the year on the average or any stream which flows continuously for at least one month out of the year but not the entire year.

Lake means a natural or artificial body of water encompassing an area of two or more acres, which retains water throughout the year.

Letter of map amendment (LOMA) means an official determination by FEMA that a specific structure is not in a 100-year floodplain; amends the FIRM.

Letter of map revision (LOMR) means a letter that revises base flood or 100-year frequency flood elevations, floodplains or floodways as shown on an effective FIRM.

Letter of map revision with fill (LOMR-F) means a letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a buildings lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on site for more than 180 consecutive days. The term “manufactured home” does not include a “recreational vehicle”.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mitigation includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and welfare. Examples of mitigation include: excavation of compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure’s susceptibility to flooding.

National Flood Insurance Program (NFIP) means the federal program whose requirements are codified in Title 44 of the Code of Federal Regulations.

Net watershed benefit means a finding that, when compared to the existing condition, the developed project will do one of the following: substantially reduce (more than ten percent) downstream peak discharges; reduce downstream flood stages (more than 0.1 ft.); or reduce downstream damages to structures occurring in the pre-development condition. The demonstration of one of these conditions must be through detailed hydrologic and hydraulic analysis of watersheds on a regional scale as approved by the administrator.

New construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed on or after April 1, 1990.

NAVD 88 means National American Vertical Datum of 1988. NAVD 88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

Natural when used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is re-established. Similarly, a modified channel may be restored to more natural conditions by man through regarding and revegetation.

Ordinary high water mark (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

Perennial streams means riverine watercourses whose thalweg generally intersects the groundwater table elevation and flows throughout the year.

Professional engineer means an engineer registered in the State of Illinois, under The Illinois Professional Engineering Practice Act. (225 ILCS 325/1 et seq.), as amended.

Public flood control project means a flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures, including a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

Public bodies of water means all open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

Publicly navigable waters means all streams and lakes capable of being navigated by watercraft.

Recreational vehicle or travel trailer means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regional permits means permits offered for pre-approved projects which are considered minor projects that are permissible per IDNR/OWR Part 3708 rules for Northeastern Illinois regulatory floodways. A complete listing of the terms and conditions for specific project types can be obtained from the IDNR/OWR website.

Registered land surveyor means a land surveyor registered in the State of Illinois, under the Illinois Land Surveyors Act, 225 ILCS 330/1 *et seq.*, as amended.

Registered or licensed professional engineer means an engineer registered in the State of Illinois, under the Illinois Professional Engineering Practice Act, 225 ILCS 325/1 *et seq.*, as amended.

Repair, remodeling or maintenance means development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damaged occurred.

Retention/detention facility means a retention facility that stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

Riverine means related to, formed by, or resembling a channel (including creeks and rivers).

Riverine SFHA means any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on-stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

Runoff means the water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

Sedimentation means the processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

Special Flood Hazard Area (SFHA) See “Floodplain”.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date and includes substantial improvement. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or placement of a manufactured home on a foundation.

Statewide Permits means permits that are offered for pre-approved projects that are considered minor projects which are permissible per the IDNR/OWR Part 3700 rules. A complete listing of the statewide permits and permit requirements can be obtained from the IDNR/OWR website.

Structure See “Building”.

Substantial damage means damage of any origin sustained by a structure whereby the cumulative percentage of damage equals or exceeds 50 percent of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes Repetitive Loss Buildings See “Repetitive Loss”.

Substantial improvement means any reconstruction, rehabilitation, addition, or improvement of a structure taking place in which the cumulative percentage of improvements equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started.

(1) "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual work done.

(2) The term does not, however, include either:

- a. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- b. any alteration of a “historic structure” listed on the National Register of Historic Places or the Illinois Register of Historic Places, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Thalweg means a line along the lowest point in a channel.

Transition section means reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

Violation means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

Watershed means all land area drained by, or contributing water to, the same stream, lake, stormwater facility, or draining to a point.

Watershed plan means a study and evaluation of an individual drainage basin's stormwater management, floodplain management, water quality and flood control needs and capabilities.

Sec. 46.3. How to use this chapter.

- (a) The building commissioner shall be responsible for fulfilling all of the duties set forth in Section 46.4 of this chapter.
- (b) To fulfill the duties set forth in Section 46.4, the building commissioner should first use the criteria set forth in Section 46.5 of this chapter (Base Flood Elevations), to determine whether the development site is located within a floodplain.
- (c) Once it has been determined that a site is located within a floodplain, the building commissioner shall refer the permit to a registered professional engineer under the employ or contract of the village. The registered professional engineer must determine whether the development site is within a flood fringe, a designated floodway, or within a special flood hazard area (SFHA) or floodplain for which no floodway has been identified.
 - (1) If the site is within a flood fringe, the registered professional engineer shall require that the minimum requirements of Section 46.6 be met.

- (2) If the site is within a floodway, the building commissioner shall require that the minimum requirements of Section 46.7 be met.
- (3) If the site is located within a SFHA or floodplain for which no detailed study has been completed and approved, the registered professional engineer shall require that the minimum requirements of Section 46.8 be met.
- (d) In addition, the general requirements of Section 46.9 shall be met for all developments meeting the requirements of Sections 46.6, 46.7, or 46.8.
- (e) The building commissioner shall assure that all subdivision proposals shall meet the requirements of Section 46.10.
- (f) If a variance is to be granted for a proposal, the building commissioner shall review the requirements of Section 46.11 to make sure they are met. In addition, the building commissioner shall complete all notification requirements.
- (g) In order to assure that property owners obtain permits as required in this chapter, the building commissioner may take any and all actions as outlined in Section 46.13.

Sec. 46.4 Duties of the building commissioner.

(a) *Determining the floodplain designation.*

- (1) The building commissioner shall check all new development sites to determine whether they are in a SFHA.
- (2) If new development sites are located in a SFHA, the building commissioner shall determine whether they are in a floodway, flood fringe or in a floodplain for which a detailed study has not been conducted and which drains more than one (1) square mile.
- (3) The building commissioner shall check whether the development is potentially within an extended SFHA (with a drainage area less than one square mile), indicating that the development would have adverse impacts regarding storage, conveyance, or inundation which would be the basis for the applicant being required to delineate the floodplain and floodway and be subject to the remaining sections of this chapter.

(b) *Professional engineer review.*

- (1) If the development site is within a floodway or in a floodplain for which a detailed study has not been conducted and which drains more than one square mile, the permit shall be referred to a licensed professional engineer

under the employ or contract of the village for review to ensure that the development meets Sections 46.7 or 46.8.

(2) In the case of an appropriate use, the licensed professional engineer shall state in writing that the development meets the requirements of Section 46.7.

(c) *Dam safety requirements.*

(1) Dams are classified as to their size and their hazard/damage potential in the event of failure.

(2) The construction or major modification of all Class I (high hazard) and Class II (moderate hazard) dams require an IDNR/OWR dam safety permit.

(3) Some Class III (low hazard) dams require an IDNR/OWR dam safety permit, depending on the drainage area to the dam, the height of the dam and the impounding capacity behind the dam. Most off-channel detention basins that have an embankment are non-jurisdictional Class III dam. It is not required that IDNR/OWR “sign off” on all non-jurisdictional Class III dams.

(4) A consulting engineer with dam safety knowledge can estimate a hazard classification and determine if an IDNR/OWR dam safety permit is required.

(5) A permit application submittal must be made to IDNR/OWR for the construction or major modification of jurisdictional dams.

(6) Regulated dams may include weirs, restrictive culverts or impoundment structures.

(d) *Other permit requirements.*

The building commissioner shall ensure any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.

(e) *Plan review and permit issuance.*

(1) The building commissioner shall ensure that all development activities within the SFHAs of the jurisdiction of the village meet the requirements of this chapter, and

(2) The building commissioner shall issue a floodplain development permit in accordance with the provisions of this chapter and other regulations of this community when the development meets the conditions of this chapter.

(f) *Inspection review.*

(3) The building commissioner shall inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure compliance with the provisions of this chapter; and

(4) The building commissioner shall schedule on an annual basis an inspection of the floodplain and document the results of the inspection.

(g) *Damage determinations.*

The building commissioner shall make damage determinations of all damaged buildings in the SFHA after a flood to determine substantially damaged structures which must comply with Section 46.9(5)(c).

(h) *Elevation and floodproofing certificates.*

The building commissioner shall maintain permit files including:

(1) An elevation certificate certifying the elevation of the lowest floor (including basement) of a residential or non-residential building subject to Section 46.9 of this chapter, and/or

(2) The elevation to which a non-residential building has been floodproofed, using a floodproofing certificate, for all buildings subject to Section 46.9 of this chapter.

(i) *Records for public inspection.*

The building commissioner shall maintain for public inspection and furnish upon request base flood data, SFHA and designated floodway maps, copies of federal or state permit documents, variance documentation, conditional letter of map revision, letter of map revision, letter of map amendment and "as-built" elevation and floodproofing and/or elevation certificates for all buildings constructed subject to this chapter.

(j) *State permits.*

The building commissioner shall ensure that construction authorization has been granted by IDNR/OWR, for all development projects subject to Sections 46.7 and 46.8 of this chapter, unless enforcement responsibility has been delegated to the village. However, the following review approvals are not delegated to the village and shall require review or permits from IDNR/OWR:

- (1) Organizations which are exempt from the requirements of this chapter pursuant to the Illinois Compiled Statutes;
- (2) IDNR/OWR projects, dams or impoundment structures as defined in Section 46.2 and all other state, federal or local unit of government projects, including projects of the village and applicable county, except for those projects meeting the requirements of Section 46.7(2)(a);
- (3) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Section 46.7(2)(c)(5);
- (4) An engineer's analysis of the flood profile due to Section 46.7(2)(c)(4);
- (5) Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Sections 46.7(2)(c)(1), 46.7(2)(c)(2), and 46.7(2)(c)(8);
- (6) Permit issuance of structures within, under, or over publicly navigable rivers, lakes and streams; or
- (7) Any changes in the mapped floodway or published flood profiles.

(k) *Cooperation with other agencies.*

- (1) The building commissioner shall cooperate with state and federal floodplain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this chapter;
- (2) Submit data to IDNR/OWR and FEMA for proposed revisions of a regulatory map within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map;
- (3) Submit reports as required for the National Flood Insurance Program; and
- (4) Notify FEMA of any proposed amendments to this chapter.

(l) *Promulgate regulations.*

The building commissioner shall promulgate rules and regulations as necessary to administer and enforce the provisions of this chapter, subject however to the review and approval of IDNR/OWR and FEMA for any chapter changes.

Sec. 46.5 Base flood elevation.

(a) This chapter's protection standard is based on the Flood Insurance Study for the village.

(1) If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available from federal, state or other sources.

(2) When a party disagrees with the best available data, they shall submit a detailed engineering study needed to replace existing data with better data and submit it to IDNR/OWR and FEMA for review and consideration prior to any development of the site.

(b) The base flood or 100-year frequency flood elevation for the SFHAs of Thorn Creek, Deer Creek, Butterfield Creek and the East Branch of Butterfield Creek shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the Cook and Will Counties prepared by FEMA and dated August 19, 2008 and November 6, 2000, respectively, and such amendments to such study and maps as may be prepared from time to time.

(c) The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated Cook and Will Counties that are within the extraterritorial jurisdiction of the village or that may be annexed into the village shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Cook and Will Counties prepared by FEMA and dated August 19, 2008 and November 6, 2000, respectively, and such amendments or revisions to such study and maps as may be prepared from time to time.

(d) The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of Cook and Will Counties.

(e) The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Cook and Will Counties shall be according to the best existing data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(1) When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, HEC-RAS, or a dynamic model such as HIP.

(2) The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-HMS, HEC-1, TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges.

(3) For a non-riverine SFHA, the Base Flood Elevation shall be the historic Flood of Record plus three feet (3), unless calculated by a detailed engineering study.

(4) For an unmapped extended SFHA (with a drainage area less than one square mile) which has been identified by the Building Commissioner pursuant to Section 46.4(a)(3), the base flood elevation shall be determined by the applicant utilizing a method as approved in Section 46.5(e).

Sec. 46.6. Occupation and use of flood fringe areas.

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage, and other applicable provisions of this chapter. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section and the requirements of Section 46.9.

(1) *Development permit.*

a. No person, firm, corporation, or governmental body not exempted by law shall commence any development in the SFHA without first obtaining a development permit from the building commissioner.

b. Application for a development permit shall be made on a form provided by the building commissioner.

1. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations, using the North American Vertical Datum of 1988, and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings.

2. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Section 46.9 of this chapter.

c. Upon receipt of a development permit application, the building commissioner shall compare the elevation of the site to the base flood or 100-year frequency flood elevation.

1. Any development located on land that can be shown to be higher than the base flood elevation of the current Flood Insurance Rate Map and which has not been filled after the date of the site's first Flood Insurance Rate Map without a permit as required by this chapter is not in the SFHA and, therefore, not subject to the requirements of this chapter. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but shown on the current Flood Insurance Rate Map is subject to the provisions of this chapter.

2. The building commissioner shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

d. A soil erosion and sediment control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

e. The building commissioner shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or waivers that may be required for this type of activity. The Building Commissioner shall not issue a permit unless all other federal, state, and local permits have been obtained.

(2) *Preventing increased damages.*

No development in the flood fringe shall create a threat to public health and safety.

a. If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.

- b. Compensatory storage.
 - 1. Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.
 - 2. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure
 - 3. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.
 - 4. All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation.
 - 5. All such excavations shall be constructed to drain freely and openly to the watercourse.

(3) Construction of the lowest floor below the base flood elevation (BFE).

A person who has obtained a letter of map revision based on fill that removes a site in the flood fringe from the floodplain due to the use of fill to elevate the site above the BFE, may apply for a permit from the village to construct the lowest floor of a residential building below the BFE in the flood fringe. The building commissioner shall not issue such a permit unless the applicant has complied with all the criteria set forth in the following subsection.

- a. Compensatory storage shall be provided per 46.6(2)(b).
- b. The elevation of the lowest opening in the basement wall (i.e., window wells, access ways) shall be at or above the Flood Protection Elevation (FPE).
- c. The lowest adjacent grade to the foundation shall be at or above the FPE, for a minimum distance of ten (10) feet beyond the outside face of the structure. However, if site conditions are such

that this requirement cannot be met, the Building Commissioner may waive the ten (10) foot minimum setback if an Illinois licensed professional engineer certifies that an alternative method to protect the building from damage due to hydrostatic pressures has been met. The certifications shall be in the form of a detailed soils and structural design analysis, which shall be submitted to the building commissioner for review. The building commissioner may require such additional documentation as necessary to prove that the proposed shorter setback distance will keep the structure reasonably safe. In no case shall the setback distance be less than four (4) feet.

d. The grade around the perimeter of the structure, measured at a distance of twenty (20) feet from the structure, shall be above the BFE. However, if site conditions are such that this requirement cannot be obtained, the building commissioner may waive the twenty (20) foot minimum setback distance if an Illinois Licensed Professional Engineer certifies that an alternative method to protect the building from damages due to hydrostatic pressures have been met. A detailed soils analysis and structural design proving that a shorter setback distance will keep the structure reasonably safe from flooding, shall be submitted to the village for review. In no case shall the setback distance be less than four (4) feet.

e. The ground around the building shall be compacted fill that meets all requirements of this subsection and is at least five (5) feet thick under the basement floor slab. Nothing in this subsection shall be interpreted to require the removal or replacement of fill that was placed as part of a LOMR-F, if such fill consists of material, including soils of similar classification and degree permeability, such as those classified as CH, CL, SC or ML according to ASTM standard D-2487, Classification of Soils for Engineering Purposes.

f. The fill material must be homogeneous and isotropic; that is, the soil must be all of one material, and the engineering priorities must be in the same direction.

g. All fill material and compaction shall be designed, certified and inspected by an Illinois licensed professional engineer, as warranted by the site conditions.

h. The basement floor shall be at an elevation that is no more than five (5) feet below the BFE.

i. There shall be a granular drainage layer beneath the floor slab, and minimum of one quarter ($\frac{1}{4}$) horsepower sump pump with a backup power supply shall be provided to remove seepage flow. The pump shall be rated at four (4) times the estimated seepage rate and shall discharge above the BFE and away from the building in order to prevent flooding of the basement or uplift of the floor under the effect of the seepage pressure.

j. The drainage system shall be equipped with a positive means of preventing backflow.

k. All foundation elements shall be designed to withstand hydrostatic pressure in accordance with accepted engineering practices.

l. If the applicant is unable to meet all of the requirements set forth in the preceding paragraphs of this subsection, the Building Commissioner may allow the construction of a basement below the BFE only if the applicant demonstrates that the proposed fill and structure meet the guidelines and requirements set forth in FEMA Technical Bulletin 10-01 and are reasonably safe from flooding. In order to demonstrate that the proposed structure is reasonably safe from flooding, the applicant shall submit a detailed engineering analysis of the proposed fill and foundation wall. The engineered basement study shall be completed in accordance with the latest edition of FEMA Technical Bulletin 10-01, with the analysis of the fill being prepared by an Illinois Licensed Professional Engineer.

m. In order to provide the required compensatory storage on site, in no case shall the depth of excavation in the front and side yards of the lot exceed eighteen (18) inches, as measured from the previously existing natural grade. The rear yard shall be permitted to have a greater depth of excavation, if necessary. All such excavation shall be constructed to drain freely and openly to the watercourse or storm sewer system. The use of mechanical means to drain the compensatory storage area will not be permitted.

Sec. 46.7. Occupation and use of designated floodways.

This section applies to proposed development, redevelopment, site modification or building modification within a designated floodway. The designated floodway for Thorn Creek, Deer Creek, Butterfield Creek and the East Branch of Butterfield Creek shall be as delineated on the countywide Flood Insurance Rate Map of Cook and Will Counties and referenced in Section 46.2. Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to

accomplish the purpose of the project. The development shall also meet the requirements of Section 46.9.

(1) *Development Permit.*

No person, firm, corporation or governmental body not exempted by state law shall commence any development in a floodway without first obtaining a development permit from the Building Commissioner and IDNR/OWR.

a. Application for a development permit shall be made on a form provided by the Building Commissioner. The application shall include the following information:

1. Name and address of applicant
2. Site location (including legal description) of the property, drawn to scale, on the designated floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;
3. Name of stream or body of water affected;
4. Description of proposed activity;
5. Statement of purpose of proposed activity;
6. Anticipated dates of initiation and completion of activity;
7. Name and mailing address of the owner of the subject property if different from the applicant;
8. Signature of the applicant or the applicant's agent;
9. If the applicant is a corporation, the president or other authorized officer shall sign the application form;
10. If the applicant is a partnership, each partner shall sign the application form; and
11. If the applicant is a land trust, the trust officer shall sign the name of the trustee by him/her as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.

12. Plans of the proposed activity shall be provided which include as a minimum:

(a) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;

(b) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations, using the North American Vertical Datum of 1988, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale;

(c) Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);

(d) A soil erosion and sediment control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance;

(e) A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location;

(f) Any and all other federal, state, and local permits or approval letters that may be required for this type of development;

(g) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of Section 46.7(2); and

(h) If the designated floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a Letter of Map Revision has been approved by FEMA.

13. The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway limits; sealed by a licensed professional engineer, licensed architect or licensed land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 46.9 of this chapter.

14. If the proposed project involves a channel modification, the applicant shall submit the following information:

(a) A discussion of the purpose of and need for the proposed work;

(b) A discussion of the feasibility of using alternative locations or methods [see Section 46.7(2)(c)(9)] to accomplish the purpose of the proposed work;

(c) An analysis of the extent and permanence of the impacts each feasible alternative identified in Section 46.7(2)(c)(9) of this Section would have on the

physical and biological conditions of the body of water affected; and

(d) An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.

b. The building commissioner shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits and approvals that may be required for this type of activity.

1. The building commissioner shall not issue the development permit unless all required federal and state permits have been obtained.

2. A licensed professional engineer, under the employ or contract of the village shall review and approve applications reviewed under this section.

(2) *Preventing increased damages and a list of appropriate uses.*

a. The only development in a floodway which will be allowed are Appropriate Uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter. Only those appropriate uses set forth in 17 Ill. Adm. Code Part 3708, as amended, shall be permitted. The approved appropriate uses are as follows:

1. Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife;

2. Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;

3. Storm and sanitary sewer relief outfalls;

4. Underground and overhead utilities;
5. Recreational facilities such as playing fields and trail systems, including any related fencing (at least 50 percent open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions and toilet facilities (4 stall maximum) that will not block flood flows nor reduce floodway storage;
6. Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;
7. Floodproofing activities to protect previously existing lawful structures including the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten (10) feet away from the exterior wall of the existing structure, and, which are not considered substantial improvements to the structure;
8. The replacement, reconstruction, or repair of a damaged building, provided that the outside dimensions are not increased, and if the building was damaged to fifty (50%) percent or more of the market value before the damage occurred, the building will be protected from flooding to the flood protection elevation; and
9. Modifications to an existing building that would not increase the enclosed floor area of the building below the 100-year frequency flood elevation, and which will not block flood flows including but not limited to, fireplaces, bay windows, decks, patios, and second story additions. If the building is improved to fifty (50%) percent or more of the market value before the modification occurred (i.e., a substantial improvement), the building will be protected from flooding to the flood protection elevation.

b. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an appropriate use.

c. Within the designated floodway, the construction of an appropriate use, will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a licensed professional engineer and provided that any structure meets the protection requirements of Section 46.9 of this chapter:

1. Preservation of flood conveyance, so as not to increase flood stages upstream. For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective designated floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective designated floodway conveyance, the following factors shall be taken into consideration:

(a) Designated floodway conveyance, "K" = $(1.486/n)(AR^{2/3})$ where "n" is Manning's roughness factor, "A" is the effective flow area of the cross-section, and "R" is the ratio of the area to the wetted perimeter. (See Ven Te Chow, *Open Channel Hydraulics*, McGraw-Hill, New York 1959);

(b) The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover;

(c) Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

(1) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of

one foot horizontal for every four feet of the flooded stream's length;

(2) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length;

(3) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used;

(4) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the designated floodway delineation on adjacent properties; and

(5) All cross-sections used in the calculations shall be located perpendicular to flood flows.

2. Preservation of floodway storage so as not to increase downstream flooding.

(a) Compensatory storage shall be provided for any designated floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects.

(b) Compensatory storage for fill or structures shall be equal to at least 1.5 times the volume of floodplain storage lost.

(c) Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced.

(d) The compensatory designated floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All designated floodway storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All designated floodway storage lost above the existing

10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

(e) If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.

(f) There shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.

3. Preservation of floodway velocities so as not to increase stream erosion or flood heights.

(a) For all appropriate uses, except bridges or culverts or on-stream structures, the proposed work shall not result in an increase in the average channel or designated floodway velocities or stage for all flood events up to and including the 100-year frequency event.

(b) In the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.

4. Construction of new bridges or culvert crossings and roadway approaches.

(a) The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of

existing levees or flood walls or within recorded flood easements.

(b) If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact IDNR/OWR to obtain a permit for a dam or waiver.

(1) The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in Section 46.5 of this chapter. Bridges and Culverts must be analyzed using any commonly accepted FEMA approved hydraulic models.

(2) Lost floodway storage must be compensated for per Section 46.7(2)(c)(2).

(3) Velocity increases must be mitigated per Section 46.7(2)(c)(3).

(4) If the crossing is proposed over public water that is used for recreational or commercial navigation, an IDNR/OWR permit must be received.

(5) The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required by Section 46.7(2).

(6) All excavations for the construction of the crossing shall be designed per Section 46.7(2)(c)(8).

5. Reconstruction or modification of existing bridges, culverts, and approach roads.

(a) The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up

to and including the 100-year event, if the existing structure is not a source of flood damage.

(b) If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

(c) The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with 17 Ill. Adm. Code Part 3708 (Floodway Construction in Northeastern Illinois) and submitted to IDNR/OWR for review and concurrence before a permit is issued.

6. On-Stream structures built for the purpose of backing up water.

(a) Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.

(b) A permit or letter indicating a permit is not required must be obtained from IDNR/OWR for any structure built for the purpose of backing up water in the stream during normal or flood flow.

(c) All dams and impoundment structures as defined in Section 46.2 shall meet the permitting requirements of 17 Ill. Adm. Code Part 3702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:

(1) The impoundment is determined to be in the public interest by providing flood control,

public recreation, or regional stormwater detention;

(2) The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;

(3) The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures and a pre-sedimentation basin;

(4) A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control; and

(5) The project otherwise complies with the requirements of Section 46.7.

7. Flood proofing of existing habitable, residential and commercial structures.

(a) If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than 10 feet from the outside of the building.

(b) Compensation of lost storage and conveyance will not be required for floodproofing activities.

8. Excavation in the floodway.

(a) When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge

and culvert structures, or to compensate for lost conveyance or other Appropriate Uses, transition sections shall be provided for the excavation.

(b) The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

(1) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length;

(2) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length;

(3) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used; and

(4) Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.

9. If the proposed activity involves a channel modification, it shall be demonstrated that:

(a) There are no practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;

(b) Water quality, habitat, and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;

(c) The activity has been planned and designed and will be constructed in such a way that will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:

(1) The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical;

(2) Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion;

(3) One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation;

(4) Clearing of stabilizing vegetation shall be limited to that which is essential for construction of the channel;

(5) Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Native vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measures, soil bioengineering techniques,

natural rock or rip-rap are preferred approaches. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives;

(6) All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover;

(7) If the existing channel contains considerable bottom diversity such as deep pools, riffles, and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate;

(8) A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality;

(9) New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel;

(10) There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless such an increase is justified as part of a habitat improvement or erosion control project;

(11) Unless the modification is for a public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of the modification; and

(d) The project otherwise complies with the requirements of Section 46.7.

10. Seeding and stabilization plan. For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

11. Soil erosion and sedimentation measures. For all activities in the floodway, including grading, filling, and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:

(a) The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than 15 days prior to the initiation of improvements;

(b) Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within 15 days after final grade is reached on any portion of the site, and within 15 days to denuded areas which may not be at final grade but will remain undisturbed for longer than 60 days;

(c) Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment traps and basins;

(d) A vegetated buffer strip of at least 25 feet in width shall be preserved and/or re-established, where possible, along existing channels [See 46.7(2)(c)(16)]. Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately; and

(e) Soil erosion and sedimentation control measures shall be designed and implemented consistent with "The Illinois Urban Manual" (NRCS, 2002, or most recent edition).

12. Public flood control projects. For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.

13. General criteria for analysis of flood elevations.

(a) The flood profiles, flows and floodway data in the designated floodway study, referenced in Section 46.5, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

(b) If the 100-year designated floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet:

(1) The requirements of this section for the 100-year frequency flood elevations of the designated floodway conditions; and

(2) Conditions with the receiving stream at normal water elevations.

(c) If the applicant learns from IDNR/OWR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for

both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

14. Conditional letter of map revision.

(a) If the appropriate use would result in a change in the designated floodway location or the 100-year frequency flood elevation, the applicant shall submit to IDNR/OWR and FEMA all information, calculations and documents necessary to be issued a conditional designated floodway map revision and receive from IDNR/OWR a conditional concurrence of the designated floodway change before a permit is issued.

(b) The final designated floodway map will not be changed by FEMA until as-built plans or record drawings of initial filling, grading, dredging, or excavating activities are submitted and accepted by FEMA and IDNR/OWR.

(c) In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional designated floodway map revision before IDNR/OWR approval can be given.

(d) No filling, grading, dredging or excavating shall take place until a conditional approval is issued.

(e) After initial filling, grading, dredging or excavating, no activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA with concurrence from IDNR/OWR.

15. Professional engineer's supervision. All engineering analyses shall be performed by or under the supervision of a licensed professional engineer.

16. For all activities in the floodway involving construction within 25 feet of the channel, the following criteria shall be met:

(a) A natural vegetation buffer strip shall be preserved within at least 25 feet of the ordinary high water mark of the channel; and

(b) Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.

17. After receipt of conditional approval of the designated floodway change and issuance of a permit and a conditional letter of map revision, construction as necessary to change the floodway designation may proceed but no buildings or structures or other construction that is not an Appropriate Use may be placed in that area until the designated floodway map is changed and a final letter of map revision is received. The designated floodway map will be revised upon acceptance and concurrence by IDNR/OWR and FEMA of the "as-built" plans.

d. Development activities in delegated communities requiring State review.

For those projects listed below located in a designated floodway, the following criteria shall be submitted to IDNR/OWR for their review and concurrence and/or permit prior to the issuance of a permit by a community or county delegated state permitting authority in the floodway:

1. An engineer's analysis of the flood profile due to a proposed bridge pursuant to Section 46.7(2)(c)(4);
2. An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to Section 46.7(2)(c)(5);
3. Alternative transition sections and hydraulically equivalent storage pursuant to Sections 46.7(2)(c)(1)-(2), (8);
4. The construction of any IDNR/OWR projects, dams (as defined in Section 46.2) and all other federal, state, or local units of government projects, including projects of the municipality or county;

5. An engineer's determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening;
 6. Projects which revise or establish the floodway and/or flood profiles; and
 7. Projects in public bodies of water.
- e. Other permits.
1. In addition to the other requirements of this chapter, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from IDNR/OWR, issued pursuant to 615 ILCS 5/5 *et seq.*, as amended.
 2. No correspondence from IDNR/OWR shall be required if the project meets the requirements of Regional Permit 3.
 3. No permit from IDNR/OWR shall be required if IDNR/OWR has delegated responsibility to the village.
- f. Permits for dams.
1. Any work involving the construction, modification or removal of a dam as defined in Section 46.2 pursuant to 17 Ill. Adm. Code Part 3702 (Rules for Construction of Dams), as amended, shall obtain an IDNR/OWR permit prior to the start of construction of a dam.
 2. If the village engineer finds a dam that does not have an IDNR/OWR permit, the village engineer shall immediately notify the IDNR/OWR Bartlett office.
 3. If the village engineer the finds a dam which is believed to be in unsafe condition, the village engineer shall immediately notify the owner of the dam, the IDNR/OWR Bartlett office, and the Illinois Emergency Management Agency (IEMA).
- g. Activities that do not require a licensed professional engineer's review. A Regional Permit 3, which authorizes, for example, underground and overhead utilities, storm and sanitary sewer outfalls, sidewalks, patios, athletic fields, playground equipment and

stream bank protection activities, shall not require a licensed professional engineer's review. Such activities shall still meet the other requirements of this chapter, including the mitigation requirements:

Sec. 46.8. Occupation and use of SFHA areas where floodways are not identified.

In SFHA or floodplains, (including AE, AH, AO and Unnumbered A Zones) where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.

(1) *Development permit.*

a. No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in a SFHA or floodplain without first obtaining a development permit from the building commissioner.

b. Application for a development permit shall be made on a form provided by the building commissioner.

1. The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevations of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 46.9 of this chapter.

2. The application for a development permit shall also include the following information:

(a) A detailed description of the proposed activity, its purpose, and intended use;

(b) Site location (including legal description) of the property, drawn to scale, on the designated floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;

(c) Anticipated dates of initiation and completion of activity;

(d) Plans of the proposed activity shall be provided which include at a minimum:

(1) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;

(2) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations, using the North American Vertical Datum of 1988, adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is in or near a commercially navigable body of water), floodplain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale;

(3) Cross-section views of the project perpendicular to the flow of floodwater and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphical or numerical scales (horizontal and vertical); and

(4) A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and

the identification of a responsible party to ensure post-construction maintenance.

3. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of Section 46.8(2).

4. Any and all other federal, state, and local permits or approvals that may be required for this type of development.

c. Based on the best available existing data according to federal, state or other sources, the building commissioner shall compare the elevation of the site to the base flood or 100-year frequency flood elevation.

1. Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to Section 46.5(e).

2. Any development located on land that can be shown to have been higher than the base flood elevation of the current flood insurance rate map identification is not in the SFHA and, therefore, not subject to the requirements of this chapter.

3. The building commissioner shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

4. The building commissioner shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or waivers that may be required for this type of activity. The building commissioner shall not issue the development permit unless all required federal, state, and local permits have been obtained.

(2) *Preventing increased damages.*

a. No development in the SFHA where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter.

b. Within all riverine SFHAs where the floodway has not been determined, the following standards shall apply:

1. The developer shall have a licensed professional engineer state in writing and show through supporting plans, calculations, and data that the project meets the engineering requirements of Sections 46.7(2)(c)(1) through 46.7(2)(c)(9) for the entire floodplain as calculated under the provisions of Section 46.5(e) of this chapter.

(a) As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to IDNR/OWR and FEMA for acceptance as a designated floodway.

(b) Upon acceptance of the floodway by IDNR/OWR and FEMA, the developer shall then demonstrate that the project meets the requirements of Section 46.7 for the designated floodway. The floodway shall be defined according to the definition in Section 46.2 of this chapter.

2. A development permit shall not be issued unless the applicant first obtains an IDNR/OWR permit or a determination has been made that an IDNR/OWR permit is not required.

3. Permits for dams

(a) Any work involving the construction, modification or removal of a dam as defined in Section 46.2 per 17 Ill. Adm. Code Part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam.

(b) If the village engineer finds a dam that does not have an IDNR/OWR permit, the building commissioner shall immediately notify the IDNR/OWR Bartlett office.

(c) If the village engineer finds a dam which is believed to be in unsafe condition, the village engineer shall immediately notify the owner of the

dam, the IDNR/OWR Bartlett office, and the Illinois Emergency Management Agency (IEMA).

c. The following activities may be permitted without a licensed professional engineer's review or calculation of base flood elevation and designated floodway. Such activities shall still meet the other requirements of this chapter.

1. Bridge and culvert crossings of streams in rural areas meeting conditions of IDNR/OWR Statewide Permit number 2;
2. Barge fleeting facilities meeting conditions of IDNR/OWR Statewide Permit No. 3;
3. Aerial utility crossings meeting conditions of IDNR/OWR Statewide Permit No. 4
4. Minor boat docks meeting conditions of IDNR/OWR Statewide Permit No. 5;
5. Minor, non-obstructive activities meeting conditions of IDNR/OWR Statewide Permit No. 6; activities (not involving fill or positive change in grade) are covered by this permit:
6. Outfall structures and drainage ditch outlets meeting conditions of IDNR/OWR Statewide Permit No. 7;
7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
10. Minor maintenance dredging activities meeting conditions of DNR/OWR Statewide Permit No. 11;
11. Bridge and culvert replacement structures and bridge widenings meeting conditions of IDNR/OWR Statewide Permit No. 12;

12. Temporary construction activities meeting conditions of IDNR/OWR Statewide Permit No. 13;

13. Special Uses of Public Waters meeting conditions of IDNR/OWR Statewide Permit No. 14; and

14. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

d. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

e. Compensatory storage.

1. Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.

2. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure.

3. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.

4. All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

Sec. 46.9. Permitting requirements applicable to all floodplain areas.

In addition to the requirements found in Sections 46.6, 46.7 and 46.8 for development in flood fringes, designated floodways, and SFHA or floodplains where no floodways have been identified, the following requirements shall be met.

(1) *Public health standards.*

- a. No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation (FPE) unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 46.9(5) of this chapter.
- b. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
- c. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- d. New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.
- e. New on-site waste disposal systems, such as septic systems, are allowed in the regulatory floodplain only if they meet all of the following criteria:
 1. Invert of any wastewater distribution lines shall be a minimum of two feet above the water surface elevation of the base flow of any perennial stream;
 2. Lateral distance from a creek, ditch, or other riverine source to the wastewater distribution lines shall be a minimum of 75 feet;
 3. The elevation of any areas which are to receive wastewater distribution shall be above the ordinary high water mark;

4. Soil of the receiving field shall be of a type suitable for septic fields; and

5. Tanks shall be placed out of the floodplain with the invert of the outlet above the base flood elevation.

f. New, substantially improved or replacement wastewater treatment plants shall have watertight openings for those openings located below the FPE. Such facilities should be located to avoid impairment to the facility or contamination of floodwaters during the base flood.

g. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages

(2) *Stockpiles.* Stockpiles of soil and other erodable or floatable building materials (sand, limestone, etc.) shall not be located in floodplains, overflow routes, or areas subject to frequent inundation. If a stockpile is to remain in place for more than three days, then sediment and erosion control shall be provided for the stockpile.

(3) *Site runoff storage facility requirements within the regulatory floodplain.* Storage facilities located within the regulatory floodplain shall:

a. Conform to all floodplain and floodway requirements of this chapter;

b. Store the required amount of site runoff to meet the release rate requirement under all stream flow and backwater conditions in the receiving stream up to the ten-year flood elevation;

c. Detention volume provided by enlarging existing regulatory floodplain storage without providing a structure controlling discharge (on-stream detention) will be allowed only as a variance. The applicant must demonstrate that flood damages are not increased and the development will not increase flood flows for both the two-year and 100-year floods on the stream with developed conditions on the site;

d. The village may approved designs which can be shown by detailed hydrologic and hydraulic analysis to provide a net watershed benefit not otherwise realized by strict application of the requirements in 46.9(5)(a) through 46.9(5)(c) above; and

e. No development shall increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under

the ownership or control of the developer. This requirement shall not prohibit the removal or reduction of built obstructions to flow, such as increasing culvert capacity or lowering roadway elevations.

(4) *Carrying capacity and notification.*

a. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

b. In addition, the village shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

(5) *Protecting buildings.*

a. All buildings located within a 100-year floodplain, also known as a SFHA, shall be protected from flood damage below the flood protection elevation. This building protection criteria shall apply to the following situations:

1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.

2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively. If substantially damaged the entire structure must meet the flood protection standards of this section.

4. Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

5. Installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and

6. Repetitive loss to an existing building as defined in Section 46.2 This building protection requirement may be met by one of the following methods.

b. A residential or non-residential building, when allowed, may be constructed on permanent land fill in accordance with the following:

1. The lowest floor (including basement) shall be at or above the flood protection elevation. An attached garage must be elevated up to at least 0.1 feet above the BFE and

2. Fill requirements:

(a) The fill shall be placed in layers no greater than six (6) inches deep before compaction and should extend at least ten (10) feet beyond the foundation of the building before sloping below the flood protection elevation; and

(b) The top of the fill shall be above the flood protection elevation. However, the ten (10) foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures; and

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or other structural measure;

(d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials;

(e) The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties, and when necessary, stormwater management techniques such as swales or basins shall be incorporate; and

(f) The fill shall not settle below the FPE for the residential structure and not below 0.1 feet above the base flood for an attached garage.

c. A residential or non-residential building may be elevated in accordance with the following:

1. The building or improvements shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. Designs must either be certified by a licensed professional engineer or architect or the permanent openings, one on each wall, shall be no more than one foot above existing grade, and consists of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation.

2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.

3. All areas below the flood protection elevation shall be constructed of materials resistant to flood damage.

(a) The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation; and

(b) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection elevation provided they are waterproofed.

4. No area below the flood protection elevation shall be used for storage of items or materials.

5. Manufactured homes, and travel trailers to be installed on a site for more than 180 days, shall be elevated to or above the flood protection elevation; and, shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code Part 870. In addition, all manufactured homes shall meet the following elevation requirements:

(a) In the case of manufactured homes placed or substantially improved (1) outside of a manufactured home park or subdivision, (2) in a new manufactured

home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage from a flood, the top of the lowest floor shall be elevated to or above the flood protection elevation; and

(b) In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the lowest floor is above the base flood elevation or the chassis is at least 36 inches in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.

6. Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of Section 46.9(5)(c)(5) above unless:

(a) They are on site for fewer than 180 consecutive days; and

(b) They are fully licensed, ready for highway use, and used only for recreation, camping, travel or seasonal use rather than as a permanent dwelling. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utility and service devices, and has no permanently attached additions.

d. Only a non-residential building may be structurally dry floodproofed (in lieu of elevation) provided that:

1. A licensed professional engineer or architect shall certify that the building has been structurally dry floodproofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood;

2. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice; and

3. Floodproofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection).

e. A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one (1) foot above grade;

3. The interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade;

4. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed 4 feet at any point;

5. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;

6. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

7. Utility systems within the crawlspace must be elevated above the flood protection elevation.

f. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed

within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

g. Existing buildings located within a designated floodway shall also meet the more restrictive Appropriate Use standards included in Section 46.7. Non-conforming structures located in a designated floodway may remain in use and may only be enlarged, replaced or structurally altered in accordance with Section 46.7(2). A non-conforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage exceeds fifty percent (50%) of its market value before it was damaged, in which case it shall conform to this chapter.

Sec. 46.10. Other development requirements.

The village shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.

(1) New subdivisions, manufactured home parks, annexation agreements, and Planned Unit Developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 46.6, 46.7, 46.8, 46.9 of this chapter and the need to minimize flood damage. Plats or plans for new subdivisions, mobile home parks and PUDs shall include a signed statement by a licensed professional engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Illinois Plat Act, 765 ILCS 205/2, as amended.

(2) Proposals for new subdivisions, manufactured home parks, travel trailer parks, PUDs and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations.

a. Where this information is not available from an existing adopted study, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation per Section 46.5(e) and the floodway delineation per the definition in Section 46.2.

(3) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and

channels. Wherever possible, the floodplains shall be included within parks or other public grounds.

(4) The village shall not approve any PUDs or plats of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this chapter.

(5) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

Sec. 46.11. Variances.

(a) No variances shall be granted to any development located in a designated floodway as defined in Section 46.2.

(1) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the plan commission for a variance.

(2) The plan commission shall review the applicant's request for a variance and shall submit its recommendation to the board of trustees. The board of trustees may attach such conditions to granting of a variance as it deems necessary to further the flood protection intent of this chapter.

(b) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the SFHA;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health, safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;

(5) There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to streambeds and banks, roads, utilities, or other public facilities;

(6) The provisions of Sections 46.6(2) and 46.8(2) of this chapter shall still be met;

(7) The activity is not in a designated floodway;

(8) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP;

(9) The granting of the variance will not alter the essential character of the area involved including existing stream uses; and

(10) All other required state and federal permits or waivers have been obtained

(c) The village shall notify an applicant in writing that a variance from the requirements of Section 46.9 that would lessen the degree of protection to a building shall:

(1) Result in increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;

(2) Increase the risks to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant will acknowledge in writing the assumption of the risk and liability.

(d) Variances requested in connection with restoration of a historic site or historic structure as defined in 46.2 "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 46.11(b) and 46.11(c), subject to the conditions that:

(1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and

(2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

Sec. 46.12. Disclaimer of liability

(a) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study.

(b) Larger floods may occur or flood heights may be increased by man-made or natural causes.

(c) This chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage.

(d) This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

Sec. 46.13. Penalty

(a) If such owner fails after ten days notice to correct a violation pursuant to this chapter:

(1) The village may make application to the applicable circuit court for an injunction requiring conformance with this chapter or such other order as the court deems just and proper.

(2) Any person who violates this chapter shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) or more than one-thousand dollars (\$1,000.00) for each offense.

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The village shall record a notice of violation on the title to the property.

(b) The building commissioner shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a standard flood insurance policy to be suspended.

(1) The building commissioner is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

(2) No site development permit shall be permanently suspended or revoked until a hearing is held by the board of trustees. Written notice of such hearing shall be served on the permittee and shall state: (1) the grounds for compliant or reasons for suspension or revocation; and (2) the time and place of the hearing. At such hearing, the permittee shall be given an opportunity to present evidence on his/her behalf. At the conclusion of the hearing, the board of trustees shall determine whether the permit shall be suspended or revoked.

(c) Nothing herein shall prevent the village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Sec. 46-14. Abrogation and greater restrictions.

- (a) This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions.
- (b) Where this chapter and other chapter, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (c) This chapter is intended to repeal the original chapter or resolution which was adopted to meet the national flood insurance program regulations, but is not intended to repeal the resolution which the village passed in order to establish initial eligibility for the program