

ORDINANCE NO. 812

AN ORDINANCE PROVIDING FOR THE
REGULATION, REVIEW, PERMITTING AND
ENFORCEMENT OF MAN MADE CHANGES TO PROPERTIES
WITHIN THE VILLAGE

WHEREAS, it is necessary to protect property within the Village from damage caused by storm water run off; and

WHEREAS, it is necessary that the Village regulate grading, dredging, clearing, excavating or paving of land to protect properties within the Village from damage.

NOW THEREFORE, be it ordained by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois as follows:

1. Purpose.

The purpose of this ordinance is to safeguard persons, protect property, prevent damage to the environment and promote public welfare by regulating and controlling activities that might alter the magnitude, frequency, direction or velocity of storm water flows from a property.

2. Applicability

This ordinance shall apply to all properties and persons in the Village proposing man made changes to property, including filing, dredging, clearing, excavating, paving or other non-agricultural alterations to the ground surface.

3. Site Grading Permit

Application for Site Grading Permit shall be made by the owner of the property or his authorized agent to the Village Building Department on a form furnished for that purpose.

Each application for a site grading permit will be reviewed by the Building Commissioner. Based on this review additional information may be required as follows:

- Existing topographic information, including elevations and one foot contours (USGS Datum), top of foundation elevations of adjacent residences or structures, existing utilities, easements and property lines
- Grading plan with proposed one foot contours and improvements
- Structure type and height
- Landscape plan with plant materials and ground cover

4. General Requirements.

1. Proposed improvements cannot alter or block natural or man made drainage.
2. Grading or construction within State or County R.O.W. requires a permit from Illinois Department of Transportation or the County Highway Department. Discharge of storm water into a State R.O.W. or County R.O.W. requires a permit from Illinois Department of Transportation or the County Highway Department.
3. Grading, access or construction on adjoining property requires an easement from the property owner.
4. Owner is responsible to provide and maintain soil erosion control measures until the site is stabilized.
5. Grading plans must be approved by the Village prior to the start of construction.

5. Administration.

1. Inspections.

A. Final inspection: Upon notification by the applicant that the work is completed, the Village or their authorized representative shall conduct a final inspection. If the work is found to contain deficiencies which require correction the Village or their authorized representative shall notify the property owner of the necessary corrections. The property owner shall correct such deficiencies within ten (10) calendar days unless given a specific extension of time in writing by the village. Failure to make necessary corrections within the specified time period shall constitute a violation of this ordinance.

2. Enforcement.

The administration and enforcement of this ordinance shall be the responsibility of the Village of Montgomery or their authorized representatives.

3. Appeals

Any applicant may appeal any decision of the Village Building Commissioner to the Village Board of Trustees, provided that no such appeal shall be taken until and unless the applicant has requested a conference with the Village Building Commissioner, not a subordinate of the Village Building Commissioner, and either the conference has been held or the Village Building commissioner has not scheduled a conference.

4. Fees.

The permit fee and first inspection fee shall be \$50. Payable at the time the permit is issued.

Subsequent inspections if required will be performed at the rate of \$25 per inspection.

The re-inspection fee is due prior to the re-inspection being performed.

6. Penalties.

Any person convicted of violating any of the provisions or requirements of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00). Each day the violation continues shall be considered a separate offense.

That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED by the Village of Montgomery, Illinois this 9th day of March, 1998.

Mary L. McYuire
VILLAGE CLERK

MARILYN MICHELINI Absent
ORA O. MORRISON Yea
JENNIFER FLOWERS Absent

PETER HEINZ Yea
WILLIAM C. KECK Yea
ROGER BURRELL Yea

APPROVED by me as President of the Board of Trustees of the Village of Montgomery,
Kane and Kendall Counties, Illinois this 9th day of March, A.D., 1998.

Ellis D. San Meter

VILLAGE PRESIDENT

