Village of Downers Grove

Official Village Policy Approved by Village Council

Description:	**Maintenance of Storm Water Control Structures and Creek Channels on Public and Private Property**
Res. or Ord. #:	**Res. 2009-91** Effective Date: **10/06/09**
Category:	**Engineering and Public Works**
	____ New Council Policy
	X Amends Previous Policy Dated: **10/12/98; 1/2/96**
	Description of Previous Policy (if different from above):
	Maintenance of Storm Water Control Structures and Creek Channels

RESOLUTION NO. 2009-91

A RESOLUTION AMENDING THE POLICY OF THE VILLAGE OF DOWNERS GROVE CONCERNING MAINTENANCE OF STORM WATER CONTROL STRUCTURES AND CREEK CHANNELS ON PUBLIC AND PRIVATE PROPERTY

WHEREAS, the control of storm water runoff is necessary to protect public health, welfare and safety; and

WHEREAS, storm water control structures and creek channels are located on both public and private property throughout the Village and often work together in an integrated system to manage storm water runoff; and

WHEREAS, proper maintenance and upkeep is necessary and beneficial to maintain the functional ability of these structures and creek channels to adequately manage storm water runoff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

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I. INTRODUCTION

Recognizing the often ambiguous public/private nature of residential storm drainage concerns, the Department of Public Works has prepared the following procedures in the interest of improving customer service and streamlining the action-research process. Except as otherwise provided by the Downers Grove Storm Water and Flood Plain Ordinance, as now or hereafter amended (Downers Grove Municipal Code, Chapter 26) and by Resolution 95-15, as now or hereafter amended (A Resolution Establishing a Village Policy to Preserve Wetlands and Natural Stream Configurations), this Resolution is hereby adopted to guide decisions and actions affecting the maintenance of storm water structures and creek channels on public and private property.

1. Definitions

Creek Channel: Creek Channel means those natural waterways which, as determined by the Village Engineer, function and provide necessary storm water drainage within the Village. The creekways are designated as follows:

a. Lacey Creek - South of Barneswood from east of Highland to Venard
South of Coralberry from Venard to Downers Drive
North of Plum Court from Downers Drive to Tollway
South of Lacey from Finley to east branch

b. St. Joseph Creek - North of Maple from Cumnor to Hummer Park
North of Austin from Fairview to south of Austin
South of Maple from Carpenter to Jacqueline
South of Curtiss from Cornell to west of Belmont
North of Curtiss from west of Belmont to Walnut
North of Hitchcock from Walnut to Tollway

South Branch
South of 56th from Cumnor to Fairview
South of 55th from Fairview to Barth Pond
North of 59th from west of Brookbank to Main
South of Kenyon from Main to Fairmount

c. Prentiss Creek - north of 67th from Powell to Dunham
North of Bolson from Dunham to Prentiss
North of Prentiss from Woodward to Puffer

Creek Channel Maintenance: Creek channel maintenance means those activities necessary to preserve the functional utility of the creek channel, including removing debris and woody growth which has caused or may be likely to cause a blockage or obstruction to creek channels which could result in increased flooding, preventing the accumulation of such debris, and installing, cleaning, repairing or replacing storm water control structures along such creek channels.

Developed Lot: a lot of record within which a structure has been constructed.

Drainage Easement: Recorded documentation granting the Village the right, but not the obligation, to enter upon the property to maintain stormwater facilities.
Functional Maintenance: Functional maintenance means the maintenance, repair and/or replacement of storm water control structures, including the cleaning of storm sewers, inlets, and catch basins, to preserve the functional utility of the structure. Provided, such cleaning shall not include surface maintenance, including but limited to maintaining the aesthetic qualities and features of the storm water control structure.

Outlet: An outlet is that portion of a storm sewer or ditch and associated structures installed within the public right-of-way or easement that has the hydraulic and structural ability to accept storm drainage from private property.

Private Overland Drainage: Private overland drainage means the surface flow of storm water originating on or passing through private property.

Private Storm Water Control Structure: Private storm water control structure means a storm water control structure that is located on private property and for which the Village does not have an easement or other right of access or maintenance.

Project Applicant: The individual who makes application to the Village for participation in a public/private partnership as defined herein.

Public/Private Partnership: Public/Private partnership means those instances where the Village may provide technical and limited financial assistance to a homeowner for the correction of a drainage/flooding problem.

Shared Storm Water Control Structure: Shared storm water control structure means a storm water control structure located on private property, but for which the Village has an easement or other right of access or maintenance.

Storm Drainage Structures: Storm drainage structures shall include, but not be limited to, storm sewers, siltation basins, concrete lined channels, concrete head walls, inlets, catch

basins, and concrete end sections or spillways, which are part of a storm water retention or detention facility.

Storm Water Control Structure: Storm water control structure means those pipes, storm sewers, siltation basin, lined channels, head walls, inlets, catch basins, end sections, spillways and other appurtenances, which are necessary, designed and intended to manage storm water flow, detention and/or retention. A storm water control structure does not include the surface conditions and contours of the property upon which the structure is located.

Surface Maintenance: Surface maintenance means the normal and usual maintenance of the ground conditions in, over and around the storm water control structures. This includes mowing and removal of debris which accumulates over and around inlets, outlets, manholes, catch basins, and siltation basins. This also includes work to preserve or restore the aesthetic qualities and features of the storm water control structure.

Village Owned Storm Water Control Structure: Village owned storm water control structure means storm water control structure located on Village owned property or right-of way.

II. RESPONSIBILITIES

A.) Department of Public Works

1. Engineering Division

The Engineering Division shall have primary responsibility for the investigation and analysis of residential storm drainage concerns. This process may include topographical surveying of the area in question, as well as technical assistance for the homeowner in the event that the condition qualifies for a public/private partnership.

The Village shall indemnify Village employees whose engineering (technical) assistance is offered and accepted by homeowners.

2. Drainage Division

The Drainage Division shall have primary responsibility for performing maintenance on Village owned and shared storm water control structures, right-of-way drainage and creek channels.

B.) Position Responsibilities

1. Documentation

Due to the time factor in determining public financial participation, residential requests for assistance on drainage concerns may be taken by phone. However, a follow-up letter shall be required of the resident and/or residents detailing the existing conditions.

The Engineering Division shall respond to the resident explaining its findings of the condition in question within thirty (30) days of receipt of the resident's written request for assistance.

Routing Information

The Engineering Division shall, upon receiving a written request for assistance, advise staff of the issue at hand. The Director of Public Works or his/her designee shall receive copies of the resident's written request.

C.) Public/Private Partnerships

Public/Private partnerships may be undertaken in order to mitigate one or more of the conditions indicated in the 'Cost Share Project Priority Criteria' listed below.

Cost Share Project Priority Criteria

Priority 1) Drainage circumstances that result in the direct flooding of homes or create conditions that render these structures virtually uninhabitable. Examples are surface water entering window wells, basements, or first floor entrances. Other adverse conditions that qualify for Priority No. 1 status are inundation of septic fields and/or private well heads or flooding within the public rights-of-way such that access to and from the house(s) is severely limited or cut off.

Priority 2) Drainage circumstances listed as Priority No. 1 criteria that affect accessory buildings, such as garages, rather than the home or primary structure on the property.

Priority 3) Locations where flooding also occurs in the public right-of-way to the degree which the public roadway must be closed to traffic; however, no structures are adversely affected

Priority 4) Flooding conditions where flooding is limited to private property of more than one developable lot; however, no structures are adversely affected.

Conditions not meeting the above requirements shall not be eligible for public/private partnerships.

Conditions caused by sump pump and/or downspout discharge are not eligible for public/private partnerships nor are extensions of sump pump or downspout discharges.

Public/private partnerships shall not be considered for ponding/conveyance conditions where the drainage issue is limited to private property on a single, developed lot, creating an inconvenience as opposed to a threat to a structure or the motoring public.

Applications that do not meet the requirements listed above will not be approved by Village Staff for a public/private partnership. A denied application may be appealed to the Stormwater and Flood Plain Oversight Committee.

All construction under a public/private partnership on private property shall be the responsibility of the property owner. A right-of-entry agreement shall be required and a stormwater easement may be required in order to provide the necessary access to maintain the storm water control measures in an emergency situation.

If a drainage improvement project has begun prior to an application being submitted, it shall not be eligible for a public/private partnership.

Village Reimbursement

Considering the costs associated with these types of projects and the limited financial resources available, the following guidelines for financial assistance are established to allow more residents to participate:

1) The Village may pay up to one half of the cost of eligible projects, not to exceed $1,500 per property participating, for work done by a private contractor, or for material purchase and/or equipment rental if the work is done by the property owner. The total Village contribution will not exceed $10,000 per project. This cost share shall not include those items necessary to be constructed within rights-of-way or public property to the proposed facility's outlet point. The Village will provide the outlet provisions as defined below. Such cost sharing shall be provided on a reimbursement basis following proper completion of all work and verification of payments to the contractor(s)/supplier(s).
2) Property owners receiving such reimbursement shall indemnify and hold harmless the Village, its officers, agents and employees, from any claim, damages or liability whatsoever arising out of the design, construction, existence or maintenance of the facility. In addition, rights-of-entry will be required which grant the Village the right, but not the obligation, to enter upon the property and take corrective action if the corrective measures are not properly maintained. **Provided, any funds provided under this policy shall be subject to such budget limitations and other restrictions as may, from time to time, be set by the Village.**
3) The Village reimbursement will be provided to the project applicant. Its distribution among participating property owners shall not be the responsibility of the Village.
4) The respective property owners are responsible for the operation and maintenance of facilities constructed under this policy on their property.

Outlet Provisions

The Village will provide an outlet stormwater facility for public/private residential storm drainage projects subject to the following criteria:

1) A stormwater facility constructed under this policy must meet all reasonable construction procedures, engineering criteria and be hydraulically feasible and functional, including appropriate flow restriction.
2) The Village will not provide an outlet in locations where an existing stormwater facility is adjacent to the affected property in any portion of the right-of-way or easement.
3) Any outlet stormwater facility extension shall not exceed two (200) hundred lineal feet for a single connection, and one (100) hundred lineal feet for each additional connection.
4) Outfall stormwater facilities exceeding these limits must be considered as potential capital projects by the Village and planned and addressed separately from this policy.

Procedure

1) Upon notification that a ponding/conveyance issue exists, Village Staff will enter residential information into a database. Site inspections will take place within 30 days (weather permitting) and residents will be contacted thereafter. Village Staff will provide a preliminary indication of cost share eligibility at that time.
2) If participation in the Cost Share Program is desired, the property owners shall submit a Cost Share Program Application (Attached hereto as Exhibit A) along with a preliminary drainage improvement plan. Modifications of the improvement plan may be required prior to receiving approval. If approved, Village Staff will send a letter of approval to the applicant, which will include the cost of required permit and bond fees and may include various permit conditions or other requirements deemed necessary by the Village.
3) Upon receiving approval of the drainage improvement plan, the project applicant must provide a cost estimate for the work. This may include an estimate of material purchase and/or equipment rental for self-performed work, a contractor's quote, or an engineer's estimate. Please note that three quotes will be required for approval (excluding self-performed work) in accordance with the Village's Purchasing Policy.
4) Once the cost estimate(s) are acquired, they shall be submitted along with a stormwater permit application. Village reimbursement will be based on the estimate from the lowest responsible contractor. The acceptable estimate and contractor will be conveyed to the applicant in writing.

5) All drainage improvement projects will require the granting and recording of an easement agreement which will insure the perpetual operation and maintenance of the improvements. An easement agreement shall be executed by each participating property owner, and recorded, prior to the commencement of construction.
6) Upon receipt of an approved stormwater permit, work may commence. The project applicant is generally responsible for contracting and completing all work on private property.
7) Once the project is completed, the applicant shall submit a copy of all bill(s) along with proof(s) of payment. If permit conditions required a sealed engineering plan, a sealed "as-built" survey will be required, at the applicant's sole expense and shall not be eligible for cost-share reimbursement from the Village.
8) A final Village inspection will take place to verify compliance with the improvement plan and general permit conditions. Restoration of all disturbed areas shall be completed at this time.
9) Village reimbursement will take place upon final approval of the project. It will be provided to the project applicant within 30 days thereafter.

Property Owners requesting public/private partnership reimbursement after previously participating in the program will be placed on a wait-list until the end of the current calendar year. If additional funding remains, these requests will be reviewed based on the priority criteria listed herein.

III. PROCEDURES

A.) Storm Water Facilities Maintenance

1. The Village may accept functional maintenance of all storm drainage structures which are part of a storm water retention or detention facility if such facility stores excess storm water from more than one developable lot and if such structures are located within recorded storm drainage or designated utility easements.

2. The Village may install siltation basins in existing storm water retention and detention facilities which serve more one developable lot if it shall be determined by the Village Manager or his designee that:

   a. Economic benefit will result from such installation;

   b. Downstream siltation will be reduced by such installation; and,

   c. No hazard will be created by such installation.

3. Fences shall be discouraged around wet bottom storm water storage facilities.

4. The Village shall encourage conversion of wet bottom storage facilities to dry bottom storage facilities in locations where maintenance costs and hazards of wet bottom storage facilities are of concern to property owners, so long as the same storm water storage capacity is maintained by the converted facility.

5. The Village will support and encourage dedication of storm water retention and detention facilities to those public agencies which find such facilities desirable for public use.

6. Upstream low flow storm water shall be diverted around or under storm water retention and detention facilities unless adequate provision is made to offset potential pollution and sedimentation problems and to eliminate long term saturated soil conditions.

7. Storm water retention and detention facilities shall be discouraged on developable residential lots which are less than 1/3 acre in area and less than 150' in depth.

8. The area to be included in storm water retention and detention basins in new developments shall be combined wherever possible.

9. Wet bottom storage facilities shall be permitted where adequate siltation control is provided, provided however, that such facilities shall not be permitted in floodways as depicted on the flood control map of the Village.

10. An access easement shall be required to and around the perimeter of the top of the slope of each wet bottom storage facility, such easement shall be at least fifteen feet wide.

11. Installation of culverts in open roadside swales shall be discouraged, provided however, that such installation shall be allowed through driveways. Enclosure of ditch lines shall be done according to the following criteria:

    a. Existing ditch has side slopes exceeding 3:1.

    b. Existing ditch top of bank is within three feet of edge of pavement.

    c. Existing ditch has flowline slope at less than 1%.

    d. Existing ditch has excessive flowline slope with above normal erosion.

    e. Enclosure necessary to protect utilities or trees.

    f. Enclosure of ditch will not constrict or cause upstream restriction of drainage.

12. It shall be prohibited to locate a storm water retention or detention facility on property which is not benefited thereby, provided however, that such a facility may be located on a property owned by a taxing body or homeowners' association even though such facility does not benefit such property.

B.) Storm Sewer Maintenance On Private Property

1. The Village may offer to maintain, repair, or replace an existing storm sewer, or remove the storm sewer and replace same with an open ditch system, or a combination of the above, if the property owner will, at no cost to the Village, grant the Village a permanent easement, a minimum of fifteen feet wide, over the storm sewer. The Village will prepare, or have prepared, the necessary easement documents and plats for the property owner, at no cost to the property owner. Locations of such storm sewers crossing private property must serve upstream areas in excess of one plotted lot and are necessary to prevent flooding of upstream structures.

2. This offer is being adopted to improve the storm drainage systems located within the Village of Downers Grove in order to reduce damage of public and private property caused by improper maintenance of storm sewers serving upstream areas that are located on private property.

C.) Swimming Pool Drains

1. Any discharge line that will drain a swimming pool may connect to the Village storm sewer system. An application for a permit shall be obtained from the Public Works Department. The application must include the following data:

   a. Location of the pool;

   b. Description of the pool's discharge system including size and slope of the pipe, and rate of discharge in cubic feet per second;

   c. Location of public storm sewer within public right-of-way or easement;
   d. Detailed description of proposed discharge line connection with public system; and,

   e. The capacity of the pubic storm sewer (in cubic feet per second) to which the discharge line is to be connected.

2. The discharge rate from the swimming pool shall be limited to one-half of the capacity of the storm sewer system to which the discharge is to be connected.

3. The backwash system is not to be connected to the storm sewer system but shall be connected to the sanitary sewer system per Sanitary District Standards.

4. If one inch or greater rainfall is anticipated, the pool shall not be drained into the Village storm sewer system during a period of 24 hours prior to or 24 hours after said rainfall to eliminate surcharging the Village's storm sewer system.

5. In the event any contamination were discharged into the Village storm sewer system from a swimming pool, the Village shall have the right to disconnect the discharge line from the Village system and no further connection shall be permitted until such time as the Village is assured that no pollution will enter the Village's storm sewer system.

D.) Private Property Storm Water Pumping

1. In order to protect private property residences during flooding conditions, the Village of Downers Grove may pump private property when, in the opinion of the Village, the following criteria are present:

   a. Storm water is entering a structure from the exterior and placing the residence in immediate and imminent danger of flooding. Accessory buildings will not be considered residence in immediate and imminent danger and pumping will not be authorized to protect the same.

   b. Pumping of private property does not conflict with downstream drainage, nor place any property at danger.

   c. Pumping shall be authorized in writing by the owner of the property, using approved forms releasing the Village and its employees from any liability.

   d. Pumping may be done from the property yard only. Pumping from the basement shall not be done by the Village.

e. The Village will not pump any areas that flood due to sanitary sewer back-up, seepage or sheet flow due to poor yard grading.

2. Authorization for pumping may be given only by the Director of Public Works or his/her designee.

3. The Village shall cease pumping procedures when, in the opinion of the Director of Public Works or his/her designee , the residence is considered to be free of immediate and imminent danger.

E.) Storm Sewer Extensions - Sump Pumps/Yard Drainage

1. Requests for storm sewer extensions to accept sump pump discharge within the right-of way shall meet the following criteria:

   a. The Village shall verify that the sump pump discharge or private property drainage causes ponding of water in the right-of-way of two (2) inches or greater and/or causes icing of public sidewalk or pavement.

   b. Relocation of the sump pump discharge or private property drainage is not possible and will not allow outfall over natural grade and extension of the storm sewer is determined by the Village to be the only method available to eliminate the hazardous condition of ponding and icing. Parkway grading, lot grading or cleaning, ditch reshaping, redirection of outfall, change in method of dispersion, or other measures are not possible and will not eliminate the hazardous condition.

   c. The existing storm sewer must not be located in any portion of the right-of-way adjacent to the property, which includes the entire front footage of the property for the total width of the right-of-way.

   d. The storm sewer extension must meet all reasonable construction procedures and be hydraulically feasible and functional.

   e. The storm sewer extension shall not exceed two hundred (200) lineal feet for a single connection, and one hundred (100) lineal feet for each additional sump pump connection.

2. If the above criteria are not met, the Village shall not construct such extension of the storm sewer. The homeowner or property owner may then install the storm sewer extension and be solely responsible for all associated costs, if chosen.

F.) Obtaining Easements

1. The Village Manager is authorized to execute and accept on behalf of the Village from time to time as he may deem necessary, easements over privately owned property, or property owned by public bodies other than the Village, on which are located or across which access may be gained to storm water detention and drainage facilities, portions of the Village's water distribution or storm water control systems, or other Village owned facilities, in accordance with Resolution 95-34, which is attached hereto as Appendix A and incorporated herein by reference.

G.) Maintenance of Storm Water Control Structures and Creek Channels

1. In general, it is expected that the Village will provide functional maintenance and surface maintenance for any Village owned storm water control structure.

2. At the sole discretion of the Village, the Village may accept functional maintenance of a shared storm water control structure. The decision to accept such functional maintenance will be based upon the existing and projected conditions of the shared storm water control structure, anticipated cost for such functional maintenance, the extent of anticipated public benefit and impact, and such other factors as the Village may deem relevant at the time a decision is made. Acceptance by the Village for functional maintenance will be subject to the following:

   a. Surface maintenance shall remain the responsibility of the property owner or association as the cause may be.

   b. Acceptance of functional maintenance shall be without prejudice to any rights of the Village to seek reimbursement for such costs as permitted under the law or any plat, agreement, covenant, easement or other document.

   c. The decision of the Village Council to accept functional maintenance under this policy may be rescinded at any time.

3. The Village is not expected to have any maintenance responsibility for a private storm water control structure. Provided the Village reserves the right in all cases, including private storm water control structures, to protect the public provided under the law, to compel proper maintenance of such private structure.

4. At the sole discretion of the Village, the Village may accept creek channel maintenance for creek channels within the Village. The decision to accept such creek channel maintenance may be based upon the existing and projected conditions of the creek channels, anticipated cost for such creek channel maintenance, the extent of anticipated public benefit and impact, and such other factors as the Village may deem relevant at the time a decision is made. Acceptance by the Village of creek channel maintenance will be subject to the following:

   a. It is the policy of the Village of Downers Grove to encourage and support functional maintenance of creek channels as necessary to preserve their functional capability to convey storm water. In terms of creek channel maintenance, functional maintenance shall include (a) removing debris and woody growth which has caused or may be likely to cause a blockage or obstruction to creek channels which could result in increased flooding; (b) preventing the accumulation of such debris; (c) mowing or treating of creek banks to control the growth of vegetation; and (d) installing, cleaning, repairing or replacing storm drainage structures along such creek channels.

   b. Creek channel maintenance shall be limited to those creek channels under the direct control of the Village or for which the Village has an easement or other right of access and maintenance. Provided, that where the Village does not have an easement or other right of access and maintenance, the Village reserves the right to protect the public health, welfare and safety, and to

enforce all rights, duties, and privileges provided under the law, to compel proper maintenance of such creek channels.

c. The Village shall enforce the Downers Grove Storm Water and Flood Control Ordinance and Section 13-7(c) of the Municipal Code as they apply to prevent the obstruction of watercourses.

d. It shall be the policy of the Village to secure permanent access easements from owners of property adjacent to creek channels to the extent they may be necessary to facilitate creek channel maintenance.

e. The Village may elect to undertake functional maintenance (as applies to creek channels) including removal of debris or vegetation which has caused or may be likely to cause blockage or obstruction of such creek channels, mowing or treating creek banks as necessary to control the growth of such vegetation, and grading or excavating creek bottoms to remove siltation and improve the flow of storm waster.

f. Accepting of creek channel maintenance shall be without prejudice to any rights of the Village to seek reimbursement for such costs as permitted under the law or any plat, agreement, covenant, easement or other documents.

g. The decision of the Village Council to accept creek channel maintenance under this policy may be rescinded at any time.

IV. CONCLUSION

A. The interpretation of an application of these procedures shall be within the sole discretion of the Village Council, which decision shall be final.

B. This Resolution is not intended nor shall it impose or create any liability or obligation on the Village. No liability shall be imposed on the Village, its officers, agents or employees, as a result of the existence of the Resolution, or any actions or inactions taken with respect to this Resolution. It is further expressly acknowledged that any actions by the Village in relation to this Resolution shall be within budgetary limitations as may from time to time be set by the Village Council. The validity of any action otherwise taken by the Council in accordance with applicable law shall not be invalidated, impaired, or otherwise be affected by compliance or noncompliance with any part of the Resolution set forth herein. It is expressly understood that this Resolution is a general guideline and shall not place any mandatory obligations upon the Village, its officers, agents or employees.

C. All resolutions in conflict with the provisions of this Resolution, and in particular Resolution 96-1 and Resolution 98-57 are hereby repealed.

D. The provisions of this Resolution shall be in full force and effect upon its passage and approval.

Mayor

Attest: April K. Holden, Village Clerk
Passed: October 6, 2009

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