

ORDINANCE 3627

ORDINANCE TO AMEND ORDINANCE 2283 AND 3472
INTERFERENCE WITH WATERCOURSES AND
SURFACE WATER DRAINAGE

SECTION 1. ACTS FOR WHICH PERMIT IS REQUIRED: Unless a permit has been issued as hereinafter provided it shall be unlawful for any person, firm, entity or corporation to:

- (a). place, deposit or permit to be placed or deposited any debris, fill, sand, stone or other solid materials of any kind or nature, or construction of any kind into or across any stream, ditch, culvert, pipe, watercourse or other drainage system within the City of Marion, Illinois;
- (b). construct and/or place any ditch, pipe, culvert or artificial watercourse of any kind or nature which shall collect and direct the flow of natural surface waters or drainage, or increase in intensity or quantity the flow of surface waters or drainage from paved surfaces, structures, roads or improvements directly into any stream, ditch, culvert, pipe or watercourse or other drainage system in the City of Marion, Illinois;
- (c). fill, obstruct, dam, divert or otherwise change or alter the natural or artificial flow of waters or drainage, or the intensity or quantity of flow, through any stream, ditch, pipe, culvert, watercourse or other improvements or drainage system within the City of Marion, Illinois;

SECTION 2. PROHIBITED ACT: No toxic waste or hazardous material shall be deposited in any such watercourse or drainage system within the City of Marion, Illinois.

SECTION 3. CORRECTION OF EXISTING CONDITIONS. Except as hereinafter provided, all existing obstructions, dams, diversions, construction of any kind, deposits of debris, fill, sand, stone, logs, trees or other solid materials, or other alterations or diversions of the natural flow of water or the intensity or quantity of flow, through, across or to any stream, ditch, culvert, watercourse or other drainage system within the City of Marion, Illinois which:

- (a). Causes the flooding or inundation of real property and/or buildings on other premises, or
- (b). Constitutes an undue burden upon the official drainage system or hampers the proper present or future course of development of the official drainage system, or

- (c). Presently constitutes or in the reasonably foreseeable future will constitute a danger or hazard to the well-being, safety or general welfare of the residents of the municipality of any property located therein; or
- (d). Obstructs the natural flow of water;
- (e). Shall be removed or corrected by the owners of the premises upon which said obstructions, dams, diversion, construction, deposits or other alterations of the natural flow of water are situated, within thirty days after written notice to remove or correct same.

SECTION 4. NO PERMIT REQUIRED: The requirement of a permit being issued before engaging in any of the acts specified in Section 1 and Section 3 shall not apply to works to be done pursuant to the authority of an agency of the state, federal or other government entity.

SECTION 5. PROCEDURE FOR OBTAINING A PERMIT:

- (A). All applicants for a permit to do any of the acts set forth in Section 1 above shall submit a proposal to the City Building and Code Services. A determination will be made if plans and specifications prepared by a licensed professional engineer should be required. If it is determined such plans and specifications are not required Building and Code Services may recommend to the City Council that a permit be issued.

If it is determined such plans and specifications should be required, the Building and Code Services Officer, after review of plans and specification submitted to him, may recommend to the City Council that the permit may be issued.

- (B). When an application for a permit to do any of the acts set forth in Section 1 above would affect land lying partly outside the area requiring approval of subdivision or site development then a separate plan shall be prepared for that affected land and filed with the City Building and Code Services for review and, if need be, submitted to the City Designee.
- (C). If review by the City Designee is deemed appropriate the City Designee shall report the results of his review to the Building and Code Services, if deemed not appropriate the city shall require an elevation plan (at applicants' expense) for recommendation to the City Council to approve or deny the application. Upon approval by the City Council, the City Clerk shall notify the Building and Code Services Office Manager of such action. After which the Office Manager shall issue the permit upon receipt of a fifty-dollar (\$50.00) application fee.
- (D). All applications for dirt grading permits shall be submitted to the Building and Code Services.

(1). The application shall contain the following information:

- A. Name, address and telephone number of applicant
- B. Number of loads (not to exceed 13 tons per) to be hauled
- C. Approximate date when hauling is to occur
- D. The destination of the dirt
- E. Proposed grading plan

(2). The following shall be conditions of every permit issued:

- A. Trucks shall be loaded in such a manner that there shall be no spillage
- B. The permit shall specify the number of yards of dirt to be hauled
- C. All loads shall be sprinkled to keep down the dust when necessary
- D. The City streets shall be kept clean of spillage and wheel dirt on allotted routes
- E. Crossing guards shall be provided at the expense of the applicant when necessary in the opinion of the Street Department Superintendent or his/her designee.
- F. Grading shall not alter drainage pattern or intensity
- G. No more than 2% drainage grade is allowed to any designated drainage area
- H. Change in surface/ground elevation cannot exceed 1' above current gutter or curb elevation
- I. IEPA NPDES storm water permit is obtained when applicable

SECTION 7. INSPECTIONS:

As building and development progresses on a permitted project, periodic inspections may be done by authorized City Personnel to ensure compliance with *all* applicable provisions of Marion City Code.

SECTION 8. ACKNOWLEDGMENT AND RESPONSIBILITIES:

It shall be the understanding and responsibility of all property owners and developers:

- (A). To ensure compliance with all State and Federal laws and regulations and all applicable provisions of local Ordinance; and
- (B). Any obstruction, construction, alteration, or change that alters the natural flow of water causing damage or flooding to other properties, in addition to being in violation of local Ordinance, may subject the owner or developer to civil liabilities to owners of said other properties so damaged.

SECTION 6. PENALTIES AND CORRECTIVE ACTION:

Any person, firm, entity or corporation found to be violating any provisions of this Ordinance shall be served with a written notice stating the nature of the violation and provided a ten (10) business day time limit for the satisfactory correction to be made. The offender shall, within the ten-day period stated in such notice, *correct and remove all violations*. Any person, firm or corporation

who shall continue any violation beyond the time limit provided for above, shall be deemed guilty of an Ordinance violation of the City of Marion, Illinois, and shall be fined in an amount not exceeding seven hundred fifty dollars (\$750.00) for each violation. Each day the condition exists after the ten-day notice is received shall be deemed a separate offence of this Ordinance.

PASSED BY THE COUNCIL THE 22ND DAY OF JUNE 2020.

APPROVED BY THE MAYOR THE 22ND DAY OF JUNE 2020.

PUBLISHED THE 25th DAY OF June 2020.



MICHAEL W. ABSHER, MAYOR

ATTEST:



TAMMY BEASLEY, CITY CLERK