

ORDINANCE NO. 82-⁴
AN ORDINANCE TO PROVIDE FOR
THE REGULATION OF ALTERATION OF LAND GRADES

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BANNOCKBURN, COUNTY OF LAKE, STATE OF ILLINOIS AS FOLLOWS:

SECTION ONE: GENERAL PROHIBITION: No person, firm or corporation shall alter or cause or permit the alteration, whether by excavation, deposit of fill, moving of earth, or any other means, of any existing land grade or contour if such alteration:

(i) will cause surface water to be unreasonably diverted onto or detained on abutting or nearby property; or

(ii) will unreasonably alter natural or existing drainage patterns; or

(iii) will unreasonably increase or concentrate runoff of storm water onto abutting or nearby property; or

(iv) will cause or contribute to any violation of the Bannockburn Sewer Code Ordinance No. 77-9.12.1, or any other federal, state or local law, ordinance or regulation; or

(v) requires a grade change permit under Section Two and no such permit has been obtained.

SECTION TWO: GRADE CHANGE PERMITS:

(a) Permit Required: Except as provided in Section Three, no person, firm or corporation shall, without first obtaining a grade change permit pursuant to the provisions of this ordinance,

(i) alter or cause or permit the alteration of any existing land grade or contour, whether by excavation, deposit of fill, moving of earth, or any other means, by more than six inches; or

(ii) alter or cause or permit the alteration of any existing land grade or contour, whether by excavation, deposit of fill, moving of earth, or any other means, in conjunction with any construction for which a building permit is required by the provisions of the Village of Bannockburn Building Code.

(b) Permit Application: An application for a grade change permit shall be filed in any case where an existing grade or contour is proposed to be altered by more than six inches and in any case where an existing grade or contour may be altered in conjunction with any construction for which a building permit is required by the Village of Bannockburn Building Code. Each applicant for a grade change permit shall submit to the Building Commissioner a completed application in such form and number as the Building Commissioner shall from time to time determine are necessary. Unless the Building Commissioner otherwise requires, such application shall include drawings and plans, at a scale not less than one inch equals 30 feet, showing existing and proposed spot elevations on a 50-foot by 50-foot rectangular grid system as well as contour lines at one foot vertical intervals showing both existing and final grades. The drawings shall also have a written certification from a State of Illinois Registered Professional Engineer or land surveyor that states that the proposed

grade changes will not violate the provisions of Section One, subparagraphs (i) through (iv), of this Ordinance.

(c) Issuance of Permit: The Building Commissioner shall issue a grade change permit only if he determines that the proposed grade change will not violate the provisions of Section One of this Ordinance or otherwise adversely affect the public health, safety or welfare. Issuance of a grade change permit pursuant to this section shall not relieve the applicant of the obligation of obtaining any other permit required by any other ordinance of the Village and of complying with all other applicable requirements of the Village's ordinances. In addition, issuance of a grade change permit shall not be deemed to authorize any grade change in violation of any applicable statutory or common law pertaining to drainage rights, and the Village, by issuing a grade change permit, assumes no liability for any damages whatsoever that may be caused by any grade change made pursuant to such permit.

SECTION THREE: EXEMPTIONS: The Building Commissioner may from time to time designate specific classes of grade changes which do not threaten to adversely affect surface water drainage patterns. No grade change permit shall be required for such classes of grade changes. The Building Commissioner also may waive, in writing, the requirement of a grade change permit with respect to any specific proposed grade change if he finds that the proposed grade change will not affect existing surface water drainage onto or off of the subject property.

SECTION FOUR: PERMIT APPLICATION FEE: All permit applications required to be filed under this Ordinance shall be accompanied by a non-refundable minimum fee of \$10.00. In addition, where the nature of the application requires the Village to employ the services of any consulting engineer or other person not regularly on the Village payroll for the purpose of reviewing the application, plans or specifications, an additional application fee equal to the actual cost to the Village of such services, plus 10% to cover Village administrative time and expenses, shall be charged to, and paid by, the applicant.

SECTION FIVE: ABATEMENT; LIEN: Any change or alteration of any existing grade or contour undertaken, caused or allowed in violation of this ordinance is hereby declared to be a public nuisance and the Village Board shall, upon discovery of any such nuisance, take all appropriate steps to cause its abatement. To that end, the Village Board shall have authority, after written notice to the owner of the subject property, to authorize Village contractors to go upon the subject property for the purpose of abating the nuisance and to charge the cost of such work to such owner. In the event of non-payment by the owner, such charges shall be a lien upon the subject property to be recorded, enforced and foreclosed as provided in Section 11-20-13 of the Illinois Municipal Code, ILL. REV. STAT. Ch. 24, §11-20-13, pertaining to the removal of debris from private property.

SECTION SIX: EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED: this 22nd day of March, 1982.

AYES: Tellefsen, Whiting, Pano, Snyder, Beauregard.

NAYS: None.

ABSENT: Neale.

APPROVED: this 22nd day of March, 1982.



Village President

ATTEST:

Marcella M. Mustay
Village Clerk