

ORDINANCE NO. 6, SERIES 2021

**AN ORDINANCE REGULATING THE INTERFERENCE WITH STORM DITCHES AND
REQUIRING A PERMIT THEREFOR IN THE VILLAGE OF JOY, COUNTY OF
MERCER, STATE OF ILLINOIS**

WHEREAS, the Village of Joy, Illinois desires to maintain proper and adequate storm drainage facilities in residential areas; and

WHEREAS, inadequate storm drainage may cause substantial and costly damage to occur to private property as well as to public streets and highways; and

WHEREAS, inadequate storm drainage may be a cause of increased insect population leading to health and related problems as well as affecting the quality of life in the Village of Joy, Illinois; and

WHEREAS, certain natural growth has caused obstructions in storm ditches in parts of the Village; and

WHEREAS, certain activities of property owners with respect to storm ditches have resulted in an obstruction of the flow of certain storm ditches in the Village;

NOW, THEREFORE, BE IT ORDAINED by the by the Board of Trustees of the Village of Joy, Mercer County, Illinois, as follows:

Section 1: Definition The term "storm ditch" shall mean open storm drainage facilities, or any storm drainage facilities which were open when first constructed, contained in the right-of-way of the Municipal Highway System, as defined in Section 2-104 of the Illinois Municipal Code (605 ILCS 5/2-104), or contained in public drainage easements.

Section 2: Duty to Maintain Storm Ditches

- (a) It shall be the duty of the Village to maintain all residential storm ditch facilities located within public rights-of-way or within public easements in their original condition to insure proper drainage.
- (b) Pursuant to the subsequent provisions of this Ordinance, it shall be the duty of every property owner and lessee of property in the Village with a storm ditch facility located

abutting his property, that has altered or who alters in the future, the original condition of such ditch, to maintain the storm ditch so that the drainage capacity remains equal to or greater than the maximum capacity that the ditch could previously handle.

Section 3: Permit Required No person, firm, or corporation shall obstruct, interfere with, or alter any storm ditch in the Village of Joy, Illinois without first securing a permit as required herein. Application for such permit shall be made in writing to the Village Clerk on forms to be supplied by the Village, a copy of which is attached hereto, marked as Exhibit A, and by reference is made a part of this Ordinance.

Section 4: Standards Required Any such improvements must be approved prior to the issuance of a permit by the Street and Alley Officer of the Village of Joy, Illinois on the basis of inspection of plans and on-site inspection by the Village. The Village Street and Alley Officer shall approve those applications which, in his judgement, will result in a drainage flow at least as large as that handled by the existing unobstructed storm ditch at each particular site. Any improvement which is substantially identical to the proposed drainage facility plan attached to this Ordinance, marked as Exhibit B and by reference made a part hereof, will be presumed to be adequate, subject to on-site inspections and approval of the plans by the Village Street and Alley Officer.

Section 5: Covenants Required In addition to the requirements of Sections 3 and 4 of this Ordinance, no permit shall be issued until the applicant has executed an agreement containing the following terms. Such agreement shall be in consideration for the issuance of permit as provided herein, and shall provide: 1) to the best of the applicant's knowledge and belief, the proposed improvement will provide drainage equal to the storm ditch in its original condition; 2) the applicant will maintain the improved drainage facility so that drainage remains unimpaired at all times; 3) if the applicant ever fails to maintain the ditch, the Village may, at the Village's option, maintain the facility or remove the improvement and restore the ditch to its original condition, at the expense of the applicant; 4) the applicant will place a copy of these agreements of record with the Mercer County recorder's office with respect to the property abutting the ditch for which a permit is issued.

Section 6: Final Approval Such permit shall be effective only for a period of three (3) months and actual construction of the improvement shall begin within this period. After such three (3) month period, a new permit shall be required. The completion of any such improvement must be reported to the Village for the purpose of a final inspection by the Village Street and Alley Officer to determine that the improvement is as indicated in the application. If so, final approval shall be granted. If the Village Street and Alley Officer determines that the improvement as constructed differs from the plans submitted by the applicant in such a manner that drainage will be impaired, the applicant shall have thirty (30) days to correct the improvement as indicated by the Village Street and Alley Officer. Failure to either correct or restore the ditch to its original condition within said thirty days shall constitute a violation of this Ordinance.

Section 7: Permit Fee There shall be a permit fee of twenty-five dollars (\$25.00), payable at the time of application for the permit. Such fee is for the purpose of recovering the cost of inspection and approval of the improvement, and is non-refundable.

Section 8: Permits for Ditches Altered Prior to the Effective Date of this Ordinance Except where a valid, existing contract with the Village provides otherwise, all property owners who have previously altered storm ditches abutting their property shall obtain a permit for such alteration as hereinbefore provide within three (3) months after the effective date of this Ordinance. If an application for such permit is not made within the required time, the Village may give notice to such owners that if application is not made within thirty (30) days of the date of notice, the Village may restore the ditch to its original condition in order to facilitate maintenance of free drainage by the Village.

Section 9: Subsequent Owner When any subsequent owner of land abutting a storm drainage ditch altered pursuant to this Ordinance neglects or refuses to maintain the facility, the Village may give notice that the ditch will be restored to its original condition by the Village if an agreement as provided in Section 5 herein is not executed by such owners in thirty (30) days.

Section 10: Violations Any person, firm, or corporation who violates, neglects, or refuses to comply with or who resists the enforcement of this Ordinance, shall, upon conviction, be fined a maximum of three hundred dollard (\$300.00) for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

Section 11: Conflict All ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 12: Effective Date This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED by the Board of Trustees of the Village of Joy, Mercer County, Illinois this 17th day of November, 2021 and approved by the President of the Village of Joy, Mercer County, Illinois this 17th day of November, 2021.


Mark Heater, Village President

ATTEST:


Gwen Pritchett, Village Clerk

STATE OF ILLINOIS)

)

County of Mercer)

I, Gwen Pritchett, as Clerk of the Village of Joy, Illinois, do hereby certify that I am the duly appointed, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct, and complete copy of **"ORDINANCE NO. 6, SERIES 2021, AN ORDINANCE REGULATING THE INTERFERENCE WITH STORM DITCHES AND REQUIRING A PERMIT THEREFOR IN THE VILLAGE OF JOY, COUNTY OF MERCER, STATE OF ILLINOIS**, which was adopted by the President and Board of Trustees of said Village on the 17th day of November, 2021 at a regularly called and constituted meeting of said President and Board of Trustees; that said Ordinance was passed by a roll call vote at said meeting at which more than a quorum was present, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Joy, Illinois, and the corporate seal of said Village, at Joy, Illinois, this 17th day of November, 2021.


Clerk of the Village of Joy, Illinois

(CORPORATE SEAL)

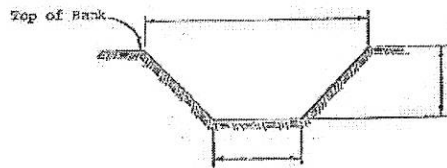
TO INSTALL TEMPORARY DRAINAGE FACILITIES
IN THE EXISTING DRAINAGE DITCHES

NAME: _____
ADDRESS: _____
PHONE: _____

SITE INFORMATION

Length of Improvement: _____
inside Diameter of Existing Culverts: _____
Distance top of Driveway to top of culvert: _____

Existing Ditch Cross Section (please provide dimensions)



DESIGN OF PROPOSED IMPROVEMENT

Please attach drawing of proposed improvement to include a plan, profile and cross section (see suggested facility for an example). Also, show north arrow and direction of flow in ditch.

DATE: _____ PERMIT APPROVED: _____

Village of Bloomington

INSTALLING CONTRACTOR: _____

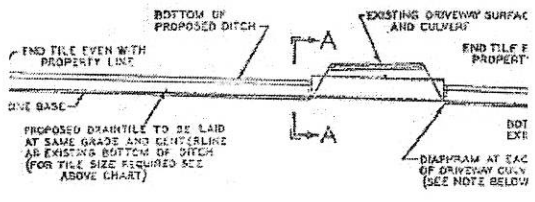
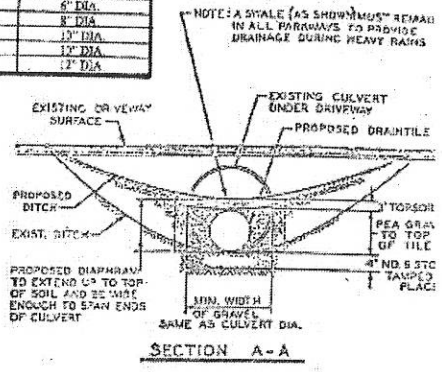
DATE INSTALLED: _____ INSTALLATION APPROVED: _____

Village of Bloomington

EXHIBIT: A

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| PROPOSED DRAINTILE SIZE REGULATIONS | |
|-------------------------------------|----------------------------|
| EXISTING CULVERT UNDER DRIVEWAY | REQUIRED SIZE PARKWAY TILE |
| 6" DIA. | 6" DIA. |
| 8" DIA. | 8" DIA. |
| 10" DIA. | 10" DIA. |
| 12" DIA. | 12" DIA. |
| 14" DIA. | 14" DIA. |
| 16" DIA. | 16" DIA. |



- NOTES:**
- If house sump pump discharges into ditch, provide Tee at discharge point to ditch.
 - Provide roofing felt strip, 3" wide x Pipe diameter, over top of each open joint.
 - Place 2" Board diaphragm, where tile meets culvert, to retain fill.

EXHIBIT B