CITY OF CRYSTAL LAKE
AGENDA

CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
January 5, 2016
7:30 p.m.

1. **Call to Order**

2. **Roll Call**

3. **Pledge of Allegiance**

4. **Oath of Office administered to City Councilmember Haig Haleblian**

5. **Approval of Minutes – December 15, 2015 Regular City Council Meeting**

6. **Accounts Payable**

7. **Public Presentation**
   The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the city staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against city staff or elected officials are not permitted.

8. **Mayor's Report**

9. **City Council Reports**

10. **Consent Agenda**
    a. Knights of Columbus #3880 request for Temporary Liquor Licenses for St. Thomas Parish dinners on January 9, 2016 and March 12, 2016.

11. **Report of the Planning & Zoning Commission-Conceptual Review for Willow Creek, 100 S. Main Street.**

12. **Garfield's Beverage, 320 W. Virginia Street – City Code Amendment to increase the number of Class "25" liquor licenses.**

13. **Bid award and resolution authorizing the execution of a contract with Hecker and Company, Inc. for the Illuminated Street Name Sign program.**

14. **Bid award and resolution authorizing the execution of a service contract with Northwest Technical for Raw Sewage Pump Station #1 MCC Replacement.**

15. **Resolution authorizing the execution of the Local Agency Agreement for Federal participation with IDOT for construction of the Country Club Multi-Use Path Improvement.**

16. **Appropriation of MFT funds for the Country Club Multi-Use Path Improvement.**

17. **Establishment of City Code Chapter 593: Illicit Discharge and Connection.**

18. **Council Inquiries and Requests.**

19. **Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.**

20. **Reconvene to Regular Session.**

21. **Adjourn.**

If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Brad Mitchell, Assistant to the City Manager, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.

Agenda Item No: 10 a.

City Council
Agenda Supplement

Meeting Date: January 5, 2016

Item: Temporary Liquor Licenses – Knights of Columbus Council #3880

Staff Recommendation: Motion to approve issuance of two Class 16 Temporary Liquor Licenses to the Knights of Columbus Council #3880

Staff Contact: Eric Helm, Deputy City Manager

Background:

The City has received a request from the Knights of Columbus Council #3880 for the issuance of two Class "16" Temporary Liquor Licenses in order to sell beer and wine at a Parish Polish Dinner on Saturday, January 9, 2016 from 5:30 p.m. to 10:00 p.m. and at a Parish St. Patrick's Dinner on Saturday, March 12, 2016 from 5:30 p.m. to 9:30 p.m. at the St. Thomas Parish, 451 W. Terra Cotta Ave.

Section 329-5-P of the City Code permits the issuance of a Class 16 Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding this request.

Votes Required to Pass:
Simple majority

Agenda Item No: 11

City Council
Agenda Supplement

Meeting Date: January 5, 2016

Item: REPORT OF THE PLANNING & ZONING COMMISSION

#2015-61 Willow Creek Church

Request: Conceptual Review for Willow Creek

Petitioner: Don Greetham, petitioner
100 S. Main Street

Staff Contact: Michelle Rentzsch, Community Development Director

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Background:

- Willow Creek currently operates out of 220 Exchange in a 56,000 square foot area. With the expansion of their congregation and the desire to provide more community amenities, Willow Creek is looking to expand into a larger facility.
- Willow Creek plans to occupy the 190,000 square-foot building at 100 S. Main. There are several existing tenants in the building, which would relocate. Willow Creek plans to lease space to The Friendship House, the existing daycare in the building, to allow them to continue to stay there.
- Phase 1 would consist of; improvements to the parking area and ingress / egress to comply with the traffic study, interior renovations to create the Worship Center, and the repurposing of existing areas for classrooms and the children's worship area.
- Phase 2 would include additional improvements to the gathering space, the café and the children's worship area, "Elevate/Impact" and "Promiseland". This phase would also include some landscape improvements to the rear parking area and around the building.
- Phase 3 would include; the landscape improvements for the front and side parking areas, the removal of the one front parking area, the exterior renovations to the building to construct the new multi-purpose area and family center, and the construction of the outside gathering area including splash pad, amphitheater and plaza area.
- Willow Creek is in their first phase of fundraising, which will allow them to complete the Phase 1 improvements. They plan to fundraise every 3-4 years, which is when each next phase would be able to be completed. They are estimating a 12 year build-out.

PZC Discussion:

- The PZC appreciated the proposed architecture of the building and site amenities. They were excited about the many facets of the final phase of the build-out, but wanted that to occur much sooner and possibly some of the elements as part of the first phase.
- The PZC asked the petitioner to be prepared to discuss the Findings of Fact for the Special Use Permit when they returned with a formal submittal.

Agenda Item No: 12

City Council
Agenda Supplement

Meeting Date: January 5, 2016

Item: City Code Amendment to Increase the Number of Class "25" Liquor Licenses – Applicant: Garfield's Beverage Warehouse, 320 W. Virginia (new location).

Staff Recommendation: *Council Discretion:*

1) Motion to adopt an ordinance increasing the number of Class "25" Liquor Licenses from the current permitted 1 license to 2 licenses and eliminating the applicant's current Class "13" by decreasing the number of Class "13" liquor licenses from the current 21 licenses to 20 licenses.

2) Motion to deny the petitioners request, but to change the location of the Garfield's current Class "13" liquor license address to 320 W. Virginia.

Staff Contact: Eric Helm, Deputy City Manager

Background: The City has received a request from Garfield's Beverage Depot to allow for the consumption of alcoholic beverages on the premises at its new location of 320 W. Virginia Road. Garfield's currently holds a Class "13" liquor license which allows for the sale of alcoholic liquor on premises in packages only, but not for consumption on premises where sold. This change in liquor classification is requested to accommodate its new business plan. In order to allow for the consumption of alcoholic beverages on the premises, in line with the existing hours of the store, Garfield's would need to receive a Class "25" liquor license classification. The requested new Class "25" liquor license classification would allow the retail sale, on the premises specified, of alcoholic liquor, for consumption, on the premises as well as retail sale of alcoholic liquor in the original package.

Section 329-5-M of the City Code permits the issuance of a Class "25" license shall authorize the retail sale, of alcoholic liquor, for consumption, on the premises as well as the retail sale of alcoholic liquor in the original package between the hours of 7:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 7:00 a.m. and 2:00 a.m. Friday and Saturday; and 7:00 a.m. on Sunday and 1:00 a.m. on Monday. A Class A Type restaurant may be located on the premises.

Garfield's Beverage Warehouse was first issued a liquor license (Class "13") during the 1968/1969 license period. There has been one liquor license violation, on December 27, 2002.

Garfield's Beverage Warehouse was formally known as Cardinal Wine & Spirits. The petitioner is relocating their business to the building previously occupied by Aldi. The purpose of the re-location is to allow for a bar to be located on the premise. Presently they are only holding samplings, as allowed by State statute. The petitioners received a special use permit at the December 15, 2015 City Council meeting to allow for a drinking place.

The following establishment currently holds a Class "25" liquor license: Williams Street Tap. In addition, Benedict's la Strata and Colonial Café also are allowed to serve alcohol for consumption on the premises beginning at 7:00 a.m. on Saturday and Sunday.

Votes Required to Pass:
Simple majority

Agenda Item No: 13

City Council
Agenda Supplement

Meeting Date: January 5, 2016

Item: Illuminated Street Name Sign Program, Year Three Installation Bid Award

Staff Recommendation: Motion to award the Illuminated Street Name Sign bid to the lowest responsive and responsible bidder, Hecker and Company, Inc., in the bid amount of $52,416.00, and adopt a resolution authorizing the City Manager to execute a contract with Hecker and Company, Inc., in the amount of $52,416.00, and allowing for a 10 percent contingency.

Staff Contact: Abigail Wilgreen, City Engineer

Background:
On December 23, 2015, the City opened and publicly read the bids received for the second part of the Illuminated Street Name Sign program. The City received three bids and the results are tabulated below.

Firm	*Amount of Bid*
Hecker and Company, Inc.[1] Wheeling, IL	$52,416.00
Lyons Electric Company, Inc. LaGrange, IL	$57,890.00
Home Towne Electric, Inc. Lake Villa, IL	$62,963.00

[1] Indicates Recommended Lowest Responsive and Responsible Bidder

Illuminated street name signs assist visitors to our community in finding key intersections as they travel in night-time conditions. The three intersections included in this year's program are:

- Route 14 and Pingree Road
- Route 14 and Cog Circle/Manor Drive
- Route 14 and Sands Road

Illuminated street name signs have already been installed at many intersections throughout the City. This program is in its third year. When the program is finished, every signalized intersection along Route 14 will have illuminated street name signs.

Specifications were mailed to various contractors and standard bid advertisement procedures were followed. Hecker and Company was the contractor the City used for the installation of uninterrupted powers supply units for the City's traffic signals. The City has received high quality and responsive service from them. Motor Fuel Tax (MFT) funds have been allocated for this project.

Votes Required to Pass:
Simple majority

The City of Crystal Lake Illinois

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be authorized to execute the contract with Hecker and Company, Inc., for the Illuminated Street Name Sign Program Year Three Installation in the amount of $52,416.00. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

DATED at Crystal Lake, Illinois, this 5th day of January, 2016.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
AARON T. SHEPLEY, MAYOR

SEAL

ATTEST:

_____
NICK KACHIROUBAS, CITY CLERK

PASSED: January 5, 2016

APPROVED: January 5, 2016

Agenda Item No: 14

City Council
Agenda Supplement

Meeting Date: January 5, 2016

Item: Raw Sewage Pump Station #1 MCC Replacement

Staff Recommendation: Motion to award the bid for Raw Sewage Pump Station #1 MCC Replacement to the lowest responsible, responsive bidder, Northwest Technical, and adopt a resolution authorizing the City Manager to execute a service contract with Northwest Technical, in the submitted bid amount, allowing for a 10 percent contingency.

Staff Contact: Victor C. Ramirez, P.E., Director of Public Works

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Background:

On December 10, 2015, the City of Crystal Lake publicly opened and read aloud the bids received for the Wastewater Division's Raw Sewage Pump Station #1 Motor Control Center (MCC) Replacement located at Wastewater Treatment Plant #2 on Dartmoor Drive.

The breakdown of the bids received is as follows:

Bidder	Base Bid Cost
√ Northwest Technical Crystal Lake, IL	$145,570
Newcastle Electric, Inc. Itasca, IL	$155,000

√ Indicates the lowest responsible and responsive bidder

The MCC provides the power to the raw sewage station #1 and houses the pump buckets and Variable Frequency Drives (VFD). Essentially, the MCC acts as the mechanical "brains" for the pumps by ensuring the pump speeds are operating up or down depending on the liquid level of the associated wet well. The VFD controls the speed of the pump motors so there are not dramatic starts and stops which impact power usage and influent plant surges.

In January of 2014, the Wastewater Division experienced malfunction issues with Raw Pump #1. It was determined that the bucket stabs and buss bars were inoperable which caused operational

issues. Temporary repairs were made to the equipment as an emergency response. A secondary inspection was conducted on the other three MCC buckets and revealed the existing bucket stabs and buss bars were nearing the end of their useful life. This equipment is approximately 44 years old and parts are obsolete. Additional failures could occur resulting in catastrophic failures. In order to make permanent repairs, a new MCC is required.

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. It is therefore recommended to award the bid to the lowest responsive and responsible bidder, Northwest Technical, for Raw Sewage Pump Station #1 MCC Replacement in the bid amount of $145,570 and allow for a 10 percent contingency. Sufficient funds are budgeted for this replacement.

Votes Required to Pass:

Simple Majority

DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a service contract for Raw Sewage Pump Station #1 MCC Replacement with Northwest Technical, in the submitted bid amount, allowing for a 10 percent contingency.

DATED this 5th day of January, 2016.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By:_____
MAYOR

SEAL

ATTEST

_____
CITY CLERK

PASSED: January 5, 2016

APPROVED: January 5, 2016

Agenda Item No: 15

City Council
Agenda Supplement

Meeting Date: January 5, 2016

Item: Local Agency Agreement for Federal participation with IDOT for construction of the Country Club Multi-Use Path improvement.

Staff Recommendation: Motion to adopt a resolution authorizing the City Manager to execute the Local Agency Agreement for Federal participation with IDOT for construction of the Country Club Multi-Use Path improvement.

Staff Contact: Abigail Wilgreen, City Engineer

Background:
Starting in 2009, the City began exploring how to improve safety for students walking and biking to school in order to take advantage of the federal Safe Routes to School (SRTS) funding program. The SRTS program is a competitive grant that awards funds to projects that promote and improve conditions for students walking or biking to elementary schools.

The City collaborated with District 47 and enlisted the help of representatives of parent organizations and advocacy groups to identify areas of concern and develop solutions that would improve walking and biking conditions, and to prepare an application for SRTS funding. This group considered many projects before deciding that adding a multi-use path on the south side of Country Club was the best candidate project.

A multi-use path in this location will connect the neighborhoods in the southwest side of town with South Elementary School, Lundahl Middle School, the Dole Mansion/Lakeside, and Main Beach. This path will greatly increase the safely of kids walking to South Elementary by providing a safe alternative to walking on Country Club Road. There are currently no sidewalks or paths on Country Club Road or any of the streets in this corridor.

On December 7, 2010, the City Council was presented with information on the SRTS program and Country Club Multi-use path improvement. The City Council passed a resolution supporting the project and the application for SRTS funding. The City applied for the funds, and on February 2, 2012, the City was awarded $250,000 in SRTS funds for the improvement. This was

the maximum award under the SRTS program. Since that time, the City has been working to design and acquire the needed right-of-way and easements for the improvement.

The attached agreement is a standard agreement that is used for all projects using Federal funds. Once this agreement has been executed and all necessary approvals have been secured, IDOT will be able to let the project. The City is targeting a letting for March 4, 2016. Construction is anticipated to start in the spring of 2016. Construction of this project will be funded using SRTS program grant funds and Motor Fuel Tax funds.

The City will use Motor Fuel Tax proceeds to fund its local share of construction. Since this project will be coordinated by IDOT, the City will make payments to IDOT during the course of construction. This project will be included in the proposed FY 2016-2017 budget.

Votes Required to Pass:
A simple majority of the City Council in attendance.

City of Crystal Lake
Location: 0-4282/Country Club Road: Wedgewood Drive to Golf Road/South Elementary School
Section No.: 14-00122-00-BT
Project No.: SRTS-4009(276)
Job No.: C-91-164-14

DRAFT

The City of Crystal Lake Illinois

RESOLUTION

WHEREAS, the City of Crystal Lake endeavors to construct a bike/pedestrian path along a segment of County Club Road from Wedgewood Drive to Golf Road/South Elementary School on the south side of said roadway that is approximately 0.67 miles in length and known to the Illinois Department of Transportation as MFT Section Number 14-00122-00-BT and State Job Number C-91-164-14.

WHEREAS, the cost of said improvement has necessitated the use of federal funds.

WHEREAS, the federal funding source requires a match of local funds.

WHEREAS, the use of federal funds requires a Local Public Agency Agreement for Federal Participation with the Illinois Department of Transportation.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City of Crystal Lake authorizes $295,600.00 or as much of such sum as may be needed to match federal funds in the completion of the aforementioned project known as MFT Section Number 14-00122-00-BT.

BE IT FURTHER RESOLVED that the City Manager be authorized to execute the Local Public Agency Agreement for Federal Participation for the County Club Road bike/pedestrian path improvement.

DATED this 5th day of January, 2016.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

_____
CITY CLERK

PASSED: January 5, 2016

APPROVED: January 5, 2016

Agenda Item No: 16

City Council
Agenda Supplement

Meeting Date: January 5, 2016

Item: Appropriation of MFT funds for the Country Club Multi-use Path improvement.

Staff Recommendation: Motion to adopt a resolution appropriating $325,160 in MFT funds for the Country Club Multi-Use Path improvement.

Staff Contact: Abigail Wilgreen, City Engineer

Background:
It is recommended that the City Council appropriate $325,160 in Motor Fuel Tax (MFT) funds for the Country Club Multi-Use Path improvement. This appropriation is for the amount of the construction of the project and a 10 percent contingency. Any funds that are obligated and not spent will be returned to the City's unobligated balance once the project is complete. The City has sufficient reserves in its MFT fund for the construction and this project has been included in the FY 2015-2016 budget.

Votes Required to Pass:
A simple majority of City Council present.

Illinois Department of Transportation

DRAFT

Resolution for Improvement by Municipality Under the Illinois Highway Code

BE IT RESOLVED, by the Mayor and City Council of the
(Council or President and Board of Trustees)
City of Crystal Lake Illinois
(City, Town or Village)
that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
Country Club Road	Local	Wedgewood Subdivision	South Elementary

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of installation of a new multi-use path along Country Club Road. Funds will be used for construction. and shall be constructed 8 feet wide and be designated as Section 14-00122-00-BT

2. That there is hereby appropriated the (additional ☒ Yes ☐ No) sum of three hundred and twenty-five thousand one hundred and sixty Dollars ($325,160.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract ; and,
(Specify Contract or Day Labor)

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved

Date

Department of Transportation

Regional Engineer

I, Nick Kachiroubas Clerk in and for the City of Crystal Lake
(City, Town or Village)
County of McHenry , hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council
(Council or President and Board of Trustees)
at a meeting on January 5, 2016
(Date)
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 5th day of January, 2016

(SEAL)

City, Town, or Village Clerk

Agenda Item No: 17

City Council
Agenda Supplement

Meeting Date: January 5, 2016

Item: Establishment of City Code Chapter 593: Illicit Discharge and Connection

Staff Recommendation: Motion to adopt an ordinance establishing City Code Chapter 593: Illicit Discharge and Connection

Staff Contact: Abigail Wilgreen, City Engineer

Background:
On November 17, 2015, the City Council passed an ordinance that amended Chapter 595 of the City Code, which regulates stormwater management. This was done to maintain compliance with the McHenry County Stormwater Management Ordinance. The City amended this chapter by removing and replacing the entire chapter. However, the regulations for illicit discharge and connection were inadvertently omitted in the amended stormwater ordinance. These regulations prevent unauthorized connections to City storm sewers and are required by the National Pollutant Discharge Elimination System (NPDES) permit process.

Rather than attempting to reincorporate these provisions within the amended stormwater management chapter, it is recommended that the City Council adopt a separate chapter in the City Code for these regulations. The language in the proposed ordinance is unchanged from the from the language previously included within the stormwater management chapter and will now be found in Chapter 593 of the City Code.

Votes Required to Pass:
A simple majority of City Council present.

DRAFT

The City of Crystal Lake Illinois

AN ORDINANCE CREATING CHAPTER 593: ILLICIT DISCHARGE AND CONNECTION OF THE CODE OF THE CITY OF CRYSTAL LAKE, ILLINOIS

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE as follows:

SECTION I: That Chapter 593: Illicit Discharge and Connection of the City Code of the City of Crystal Lake is hereby created:

SECTION II: That Chapter 593 shall read as follows:

Chapter 593
ILLICIT DISCHARGE AND CONNECTION

[HISTORY: Adopted by the City Council of the City of Crystal Lake 2-16-2010 by Ord. No. 6535; amended in its entirety _____. Subsequent amendments noted where applicable.]

Article I
Illicit Discharge and Connection

§ 593-1. Purpose and policy.

A. The purpose of this article is to provide for the health, safety, and general welfare of the residents of Crystal Lake through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

B. The objectives of this article are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.

(2) To prohibit illicit connections and illegal discharges to the municipal separate storm sewer system.

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article

§ 593-2. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

BEST MANAGEMENT PRACTICES (BMPs) – Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CITY – The City of Crystal Lake or the Mayor and City Council of the City of Crystal Lake.

CLEAN WATER ACT – The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

ENVIRONMENTAL PROTECTION AGENCY OR EPA – The U.S. Environmental Protection Agency.

GRAB SAMPLE – A series of samples which is taken from a waste stream without regard to the flow in the waste stream, and over a period of time not to exceed 15 minutes.

HAZARDOUS MATERIALS – Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE – Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in § 593-7 of this article.

ILLICIT CONNECTIONS – Either of the following:

A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances which allow any non-stormwater discharge, including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a Superintendent or his/her designee; or

B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by a Public Works Superintendent or designee.

INDUSTRIAL ACTIVITY – Activities subject to NPDES industrial permits as defined in 40 CFR 122.26 (b)(14).

MS4 – The municipal separate storm sewer system.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT – A permit issued by the EPA [or by a state under authority delegated pursuant to 33 USC § 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-CONTACT COOLING WATER – Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NON-STORMWATER DISCHARGE – Any discharge to the storm drain system that is not composed entirely of stormwater.

PERSON – Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting either as the owner or as the owner's agent.

pH – A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT – Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens;

dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

PREMISES – Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

PUBLICLY OWNED TREATMENT WORKS or POTW – A treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the City of Crystal Lake. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances that convey wastewater to a treatment plant.

SEPTIC TANK WASTE – Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE – Human excrement and gray water (household showers, dishwashing operations, etc.).

STORM DRAIN SYSTEM – Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER – Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) – A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving water the maximum extent practicable.

SUPERINTENDENT – The person designated by the Director of Public Works to supervise the operation of the Department's Stormwater Division, and who is charged with certain duties and responsibilities by this article, or a duly authorized representative.

TOTAL SUSPENDED SOLID or SUSPENDED SOLIDS – The total suspended matter that floats on the surface or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

WASTEWATER – Any water or other liquid, other than uncontaminated stormwater, discharged from a facility; the liquids and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, that are discharged into the POTW.

WATERCOURSE – A natural or artificial channel through which water flows.

§ 593-3. Applicability.

This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Superintendent.

§ 593-4. Responsibility for administration.

The Superintendent shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the Superintendent may be delegated in writing by the Superintendent to persons or entities acting in the beneficial interest of or in the employ of the agency.

§ 593-5. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

§ 593-6. Minimum standards.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

§ 593-7. Discharge prohibitions; exceptions; illicit connections prohibited.

A. Prohibition of illegal discharges; exceptions.

(1) No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(2) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (must be dechlorinated to 0.05 mg/L or less), fire-fighting activities, and any other water source not containing pollutants.

(b) Discharges specified in writing by the Superintendent or his/her designee as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the Superintendent or his/her their designee prior to the time of the test.

(d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B. Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

§ 593-8. Suspension of MS4 access.

A. Suspension due to illicit discharges in emergency situations. The Superintendent or his/her designee may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Superintendent or his/her designee may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge.

(1) Any person discharging to the MS4 in violation of this article may have his/her MS4 access terminated if such termination would abate or reduce an illicit discharge. The Superintendent will notify a violator of the proposed termination of its MS4 access. The violator may petition the Superintendent for a reconsideration and hearing (see § 593-15).

(2) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Superintendent or his/her designee.

§ 593-9. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Superintendent prior to the allowing of discharges to the MS4.

§ 593-10. Monitoring of discharges.

A. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity, as well as commercial and residential properties.

B. Access to facilities.

(1) The Superintendent or his/her designee shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Superintendent or his/her designee.

(2) Facility operators shall allow the Superintendent or his/her designee ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The Superintendent or his/her designee shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Superintendent or his/her designee to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The Superintendent or his/her designee has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Superintendent or his/her designee and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the Superintendent or his/her designee access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Superintendent or his/her designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(7) If the Superintendent or his/her designee has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Superintendent or his/her designee may seek issuance of a search warrant from any court of competent jurisdiction.

§ 593-11. Use of best management practices to prevent, control, and reduce stormwater pollutants.

The Superintendent or his/her designee will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at his/her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

§ 593-12. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§ 593-13. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which is resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Superintendent or his/her designee in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Superintendent or his/her designee within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 593-14. Enforcement.

A. Notice of violation.

(1) Whenever the Superintendent or his/her designee finds that a person has violated a prohibition or failed to meet a requirement of this article, the Superintendent or his/her designee may order

compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

(a) The performance of monitoring, analyses, and reporting;

(b) The elimination of illicit connections or discharges;

(c) That violating discharges, practices, or operations shall cease and desist;

(d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and

(e) Payment of a fine to cover administrative and remediation costs; and

(f) The implementation of source control or treatment BMPs.

(2) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

§ 593-15. Appeal of notice of violation or suspension of MS4 access.

Any person receiving a notice of violation may appeal the determination of the Superintendent or his/her designee. The notice of appeal must be received within 10 days from the date of the notice of violation. Hearing on the appeal before adjudication court shall take place within one month from the date of receipt of the notice of appeal. The decision of the adjudication judge shall be final.

§ 593-16. Administrative fines.

A. When the Superintendent, or his/her designee, finds that a user has violated, or continues to violate, any provisions of this chapter, a wastewater discharge permit or order issued hereunder, or any other storm sewer standard or requirement, the user may be subject to a fine as set forth in Chapter 248, Fines. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average limits, fines shall be assessed for each day during the period of violation.

B. Issuance of any administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

§ 593-17. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 10 days of the decision of the municipal authority upholding the decision of the Superintendent or his/her designee, then representatives of the Superintendent or his/her designee shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

§ 593-18. Cost of abatement of violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the City of Crystal Lake or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

§ 593-19. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the Superintendent or his/her designee may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations, or compelling the person to perform abatement or remediation of the violation.

§ 593-20. Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the Superintendent or his/her designee may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

§ 593-21. Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 593-22. Criminal prosecution.

A. Any person who has violated or continues to violate this article or any provisions of any requirement issued pursuant to this article may also be in violation of the Clean Water Act and may be subject to the sanctions of this Act, including civil and criminal penalties. Any enforcement actions authorized under this article shall also include written notice to the violator of such potential liability.

B. The Superintendent or his/her designee may recover all attorneys' fees court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

§ 593-23. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the Superintendent or his/her designee to seek cumulative remedies.

SECTION III: That this Ordinance shall be in full force and effect from and after its passage according to law

SECTION IV: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 5th day of January, 2016.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
AARON T. SHEPLEY, MAYOR

SEAL

ATTEST:

_____
NICK KACHIROUBAS, CITY CLERK

PASSED: January 5, 2016

APPROVED: January 5, 2016

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.