



VILLAGE OF MONTGOMERY

ORDINANCE NO. 1446

**AN ORDINANCE AMENDING SECTION 603.0 OF THE SOIL EROSION
AND SEDIMENTATION CONTROL ORDINANCE
OF THE VILLAGE OF MONTGOMERY, ILLINOIS
(FEES AND DEPOSITS)**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
THIS 14th DAY OF December, 2009.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES,
ILLINOIS, THIS 14th DAY OF December, 2009.

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AND SEDIMENTATION CONTROL ORDINANCE
OF THE VILLAGE OF MONTGOMERY, ILLINOIS
(FEES AND DEPOSITS)**

BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

WHEREAS, the Village of Montgomery is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 et seq.; and,

WHEREAS, the finds that soil erosion and sedimentation control in the Village of Montgomery continues to be an appropriate subject for regulation; and,

WHEREAS, the Village of Montgomery Board of Trustees finds it is in the best interests of the citizens of the Village of Montgomery to amend the Soil Erosion and Sedimentation Control Ordinance, with regard to fees and deposits;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE:

Section 603.0 of the Village of Montgomery Soil Erosion and Sedimentation Control Ordinance is hereby amended to read as follows:

603.0 Fees

1) Reimbursable Fees: All engineering review, legal and construction observation fees that are incurred by the Village as a result of the development project are the responsibility of the applicant.

A cash deposit is required prior to the initiation of review and shall correspond with the type and size of development project identified in the Village's Deposit Ordinance, which may be amended from time to time. If the development project does not fall into one of the development categories within the Deposit Ordinance then a minimum of a \$2,000 deposit shall be required.

2) Nuisance Deposit: The applicant is hereby required to inspect and clean the streets and roadways adjacent to and within 1,000 feet of the entrance to the construction site as needed during each week while construction is occurring on said site. The applicant shall also mow weeds, pick up trash and debris and repair and replace soil erosion control fencing so as to comply with applicable ordinances of the Village. If streets are being constructed, the applicant shall cause each street constructed within the development to be plowed within twelve (12) hours following an accumulation of three (3) inches of snow thereon. As security for such obligations of the applicant, and as a condition of the issuance of any filling or grading permits, the applicant shall deposit with the Village the sum required by the chart below (603.0(2)(a)) (**amounts based on type of development**) ("Site Control Escrow"). In the event that applicant fails to snow plow the streets as required above, the Village may attempt to contact the applicant by telephone (using the contact information from the application), and if satisfactory answers (and performance thereafter) are not forthcoming from said contact (as determined by the Village staff), may immediately perform or contract with others to perform such undertaking and deduct the cost thereof from the Site Control Escrow. In the event the applicant fails to clean the streets, mow weeds, pick-up debris or repair or replace soil erosion control fencing within twelve (12) hours after receipt of notice from the Village of the applicant's failure to comply with this provision, then the Village may perform or contract with others to perform such undertaking and deduct the cost thereof from the Site Control Escrow. The applicant shall, within 15 business days following written notice from the Village, replenish the Site Control Escrow as funds are from time to time properly withdrawn therefrom by the Village, so as to maintain the same dollar balance. All sums remaining on deposit with the Village pursuant to this provision shall be returned to the applicant upon final acceptance by the Village of all public improvements or completion of the development whichever shall be the last to occur. If a deposit is not required and costs are incurred by the Village the Certificate of Final Occupancy shall not be issued until all incurred costs are paid in full. If the grading permit was issued and no building permit was required (i.e. grading to improve drainage where no actual building was built) the grading permit will not be closed until all incurred costs are paid in full.

a) Deposit Requirement:

Non-Residential Use = \$5,000

Residential Use - Subdivision = \$5,000

Residential Use – Individual/Infill Lot Construction = \$0

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

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

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois this 17th day of December, 2009.

Marilyn Michelini
Marilyn Michelini,
President of the Board of Trustees of the Village of Montgomery

ATTEST:
Barbara Argo
Barbara Argo, Clerk of the Village of Montgomery



	Aye	Nay	Absent	Abstain
Trustee Jeanne Felten	✓	—	—	—
Trustee Peter Heinz	✓	—	—	—
Trustee William Keck	✓	—	—	—
Trustee Dennis Lee	✓	—	—	—
Trustee Andrew Kaczmarek	—	✓	—	—
Trustee Robert Watermann	✓	—	—	—
Village President Marilyn Michelini	<u>NO</u>	<u>VOTE</u>	<u>CAST</u>	—