

MAINE TOWNSHIP DRAINAGE & LEVEE DISTRICT

DISTRICT RULES & POLICIES

Updated November 17, 2014

PURPOSE

The Maine Township Drainage & Levee District (also referred to as "The District") has formalized rules and regulations that have been previously endorsed, adopted and applied in practice over its existence. The purpose is to clarify and make readily accessible in writing The District's policies in order to preserve and protect drainage rights, the environment, and to minimize maintenance and special assessments.

STATE LAW & LOCAL ORDINANCE

The District is a special District under the Illinois Drainage Code. In addition, The District has adopted and applies the Will County Storm Water Management Ordinance in its entirety to guide the process of connecting to or crossing of The District's Drainage System. Vernacular reference therein to Will County shall mean The District where applicable. The use of the Will County Storm Water Management Ordinance provides The District's landowners and other interested parties with distinct advantages. First, it provides standardization of regulations with a neighboring watershed at the discharge point of The District's Drainage System. Second, it is a set of written rules that has been developed by a larger government entity and those rules are applicable for comprehensive use and maintenance of The District's Drainage System's improvements.

APPLICATION

All interested persons will be required to file a written Application to The District for a construction permit to connect to The District's Drainage System or to modify an existing connection or to make a crossing of The District's Drainage System in accordance with the Illinois Drainage Code, 70 ILCS Section 605/1-1 et seq. A complete application is considered to be as follows:

- Completed Maine Township Drainage & Levee District Application Form for a construction permit.
- Written evidence that the applicant(s) for The District's construction permit have fulfilled the development requirements of any other controlling governmental entities including but not limited to municipal, township, county, state and federal governmental entities and received any necessary approvals of those other controlling governmental entities.

- File with The District three (3) legibly printed copies of the preliminary plat map, planned unit development or proposed plan for drainage ditch crossing, drainage ditch outlet, connection or other planned drainage ditch modification, dated to a then current date and certified by signature of a State of Illinois licensed Professional Engineer or Structural Engineer ("Plans"). The Plans must contain detailed construction drawings and a typical cross section of any proposed drainage crossing improvement or proposed drainage ditch connection outlet, construction or modification.
- File with The District three (3) written and dated copies of complete storm water management calculations, certified for correctness based on the Will County Storm Water Management Ordinance Standards then in effect by the applicant(s) and a State of Illinois licensed Professional Engineer.
- Payment to The District of The District's application fee as follows:
 - a.) For an Agricultural Improvement Project or One (1) Single Family Detached Home Lot Project, the Development Review Application Fee shall be One Hundred dollars (\$100.00).
 - b.) For a Project of Two (2) to Ten (10) Lots in a Detached Single Family Home Subdivision Development Project, the Development Review Application Fee shall be Two Hundred Fifty dollars (\$250.00).
 - c.) For a Single Family Detached Residential Subdivision Project of greater than Ten (10) Lots, the Development Review Application Fee shall be Five Hundred dollars (\$500.00).
 - d.) For any other type of Development Project that is other than by (a) through (c) above, the Development Review Application Fee shall be Five Hundred dollars (\$500.00).

Application shall be made to The District. The current legal address for The District, and to file an application, is to: William J. Stahler, Chairman, 820 Jugtown Road, Coal City, IL. 60416. Telephone: (815) 634-2161. The District's web address is: www.mainedrainage.com.

Any time an applicant(s) requests The District and its engineer and/or attorney to review and/or comment on a proposal for drainage connection, drainage ditch crossing or modification to current drainage structures, without formal written application having been made to The District, then The District may charge the applicant(s) for any costs it incurs including but not limited to attorney fees and any engineering fees for review and commenting upon said proposal and any applicant(s) who seeks such review or comment shall be responsible for reimbursement of The District's engineering and legal costs for the review of the proposal.

Review of complete applications will be made by the Commissioners of The District in a timely manner and applicant will receive from The District at least seven (7) days written notice of The District's meeting when the application will be discussed.

DISPUTE RESOLUTION

The District may discuss an applicant's proposed variation to the rules for the proposed project's design, if it is demonstrated to the satisfaction of The District by the applicant(s) that changes cure rational conflicts in construction, betterment of water flow or storage, or a variance would provide an overall benefit to The District's Drainage System. Economic development savings shall not be a basis for change in itself.

In the event that the applicant(s) disputes any of The District's findings, rulings or policies, the applicant(s) can request a meeting with The District and its attorney and engineer. Every effort to resolve the differences shall be made.

Applicant(s) may appeal any decision made by The District on an application for a construction permit to the Circuit Court of Grundy County, Illinois.

ENGINEERING & LEGAL FEES

The applicant(s) shall pay all engineering and legal fees or costs incurred by The District for The District's review of an application or for review of requests and comments on a development proposal. At the time of filing an application, or request for development review or comment, the applicant shall pay to The District Five Thousand Dollars (\$5,000.00) for engineering review and Five Thousand Dollars (\$5,000.00) for attorney review to be held in escrow by The District for payment of engineering and legal review costs. The escrow deposits are part of the application and review of the application, or request for review or comment, will not commence until The District has received the escrow deposit(s). The District may distribute from the escrow to its engineer and attorney payment of legal fees and costs as invoiced to The District for review of a project. If the applicant's escrow is depleted prior to completion of the application or proposal review, then the review shall stop and it shall not recommence until such time as the applicant has funded the escrow with additional deposit(s). The District's Commissioners will not meet to consider any written connection, crossing or other permits until the review of the application is complete as evidenced by a letter from The District's engineer and/or attorney and all fees and costs have been paid. If an applicant withdraws an application or request for review, prior to a connection permit approval, then the applicant is responsible for payment of The District's review costs through the date of withdrawal of the application. The date of withdrawal of an application shall be the date The District receives a written notice of an application withdrawal delivered to the legal address for The District. If The District holds excess funds in the applicant's escrow after the written permit has been issued, or upon withdrawal, then The District will refund the balance of the escrow to the applicant(s).

MAINTENANCE FEES AND PERFORMANCE BOND

The applicant(s) will be required to pay any costs incurred by The District to remove debris, siltation and correct any unapproved alterations to the drainage system as a result of construction subsequent to the applicant's connection to the drainage system, crossing of a drainage ditch or modification to a drainage ditch connection. The applicant will be required to deposit with The District a performance bond or letter of credit of at least 125% of the estimated costs of improvement as estimated by The District's Engineer after hearing regarding any permit for connection to, modification to any existing connection or crossing of The District's Drainage System. The form of the Performance Bond or letter of credit shall be approved by The District.

DEFINITION AND REVIEW OF CONNECTION POINTS

1. Connection Points shall include direct connections to pipes, tiles or open ditches or indirect connections through private or municipal conveyance systems or overland flows that ultimately place storm water or effluent into The District's Drainage System.
2. The District's Engineer shall review all points of connection to the Drainage System for best practices concerning flow rate, ditch capacity, maintenance, ditch integrity, water quality and environmental concerns.
3. Crossing(s) shall mean any crossing over, above, across, under or through The District's Drainage Ditch System.
4. Construction Permit approval does not remove liability from the applicant(s) to maintain the connection point or crossing and for correcting erosion problems that may develop after installation and use of the permanent improvement.

COUNTY AND VILLAGE ORDINANCES

1. An intergovernmental agreement may be required to ensure compliance of items under the control of local government agencies to insure application, compliance, inspection and maintenance of drainage systems where applicable.
2. Intergovernmental agreements may be site specific or applicable to all development in The District, at the discretion of The District and the State, County, Township or Municipality governmental entities.

SET BACKS

1. Any applicant(s) shall provide to The District recorded plats that contain right-of-way grants to The District or warranty deeds of right-of-way grants to The District as that right-of-way is determined to be needed by The District for the open waterway required for The District's Drainage System.
2. The District will also require, for future maintenance and liability concerns, a fifty foot (50 ft.) wide right-of-way set back on each side of an open waterway for access and maintenance.
3. The fifty foot (50 ft.) wide set back right-of-way shall be measured perpendicular from the existing top edge of each waterway bank to a point that is fifty feet (50 ft.) away from the waterway bank. Owners are responsible for the maintenance of their portion of right-of-way to the point of contact with the top edge of the waterway bank.
4. Before The District issues a connection permit, an Owner shall provide proof of a grant of right-of-way by recorded instrument and access that allows The District's vehicles and equipment access to the set back right-of-way from a public road.
5. The District does not maintain the set back right-of-way but may enter such space to remove any obstruction or perform maintenance of the drainage ditch as provided in a Right-of-Way Easement grant to The District, included as part of any Permit.
6. Unless specifically approved by The District, landscaping, berms, fences, paths, roadways, buildings and public utilities are prohibited in the right-of-way set back areas.

INSPECTIONS AND BONDS

Construction and Installation of any improvements permitted by The District shall be inspected during and after construction and approved by The District's Engineer. The number of District Engineer inspections and applicable inspection fees shall be incorporated as a part of any permit issued by The District. The District's Engineer or an applicant(s) may request The District's Commissioner(s) to participate in a review of inspections of construction of permitted activities. District Commissioners will each be paid Thirty Dollars (\$30.00) for participating in a construction permit review or inspection by the permit applicant(s). Completion of the permitted improvement shall be certified to The District by a State of Illinois licensed professional engineer selected by the applicant and confirmed in writing by The District's Engineer. After The District's receipt of confirmation of improvement completion from The District's Engineer, The District will issue a Notice of Completion to the applicant(s) and Release of any Performance Bond held for construction of the improvements, less any hold backs recommended by The District's Engineer.

As part of any construction permit, The District may establish an inspection schedule regarding construction of any drainage ditch crossings, connection or connection modification. If an inspection schedule of The District's Engineer is not included as part of a construction permit, then only those inspections of constructed improvements set forth in the Will County Storm Water Management Ordinance will be required by The District.

The District may require an applicant(s) to establish and deliver to The District a Performance Bond for the completion of any improvements, crossings, connections or other matters which may impact The District's Drainage Ditch(s). The Performance Bond shall be at least One Hundred Twenty-Five Percent (125%) of the value of the permitted improvements based upon The District's Engineer's written estimate of improvement costs after review and examination of the proposed applicant's plans. The form and length of time of the Performance Bond shall be established and approved by The District's Commissioners at hearing, at the time of review of the application.

Attested to be the most current rules of The Maine Township Drainage and Levee District that are publicly available on the www.mainedrainage.com web site, as of November 17, 2014.

William J. Stahler

William J. Stahler, Chairman

Mark A. Wills

Mark A. Wills, Commissioner

David Hauschild

David Hauschild, Commissioner

Rita Willis

Rita Willis, Secretary/Treasurer