

## MEMORANDUM

**TO:** All Village Residents and Contractors  
**FROM:** The Village of Hinsdale  
**DATE:** March 22, 2007  
**RE:** **Grading Permit**

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The Village, acting through its President and Board of Trustees, has adopted a new ordinance requiring permitting of all land disturbing activities as defined by the ordinance:

*Any activity that alters the existing drainage flow including, but not limited to, grading, filling, digging, or excavating earth material, construction or demolition of buildings and structures, as well as alteration to, or removal of, existing vegetation.*

This ordinance will be enforced beginning May 1, 2007.

The purpose of this ordinance is to provide protection of properties from potential stormwater problems created by changing surface conditions. Even the smallest project can affect the flow of stormwater when it is not located or designed properly. It is therefore important that all proposed work be reviewed by Village Staff to evaluate existing and proposed site conditions. Staff is requesting that a drawing or sketch indicating the type and location of all work be submitted for initial review prior to obtaining your permit. Staff may also visit the project site to review the conditions. If deemed necessary, detailed topographic engineering plans will be required to ensure that the construction activities meet all applicable requirements.

Upon completion of the project, staff will inspect the work to ensure compliance with the approved drawings. If detailed plans were required, a final grading record drawing will also be required.

Thank you for your cooperation in this matter. A copy of the complete ordinance is available at the Village Hall and on the website. Please contact the Community Development Department at 630-789-7030 if you have further questions.

VILLAGE OF HINSDALE

ORDINANCE NO. 02007-27

AN ORDINANCE ADOPTING A NEW CHAPTER 14  
(LAND-DISTURBING ACTIVITIES)  
TO TITLE 9 (BUILDING REGULATIONS)  
OF THE VILLAGE CODE OF HINSDALE

**WHEREAS**, the Village President and Board of Trustees of the Village of Hinsdale ("Village") find that while allowing for the reasonable improvement of land within the Village, it is the goal and policy of the Village to insure that any land-disturbing activity, such as digging, excavating, grading, filling, and substantial alteration of existing vegetation, be performed in a manner which protects the natural environment, as well as the property rights of adjacent property owners, thereby protecting and enhancing the quality of life, public health and general welfare of the Village; and

**WHEREAS**, the Village President and Board of Trustees further find that to achieve these stated goals and policies it is necessary to establish and enact regulations that will protect existing land grades, contours, drainage, and water quality from the potential adverse consequences caused by land disturbing activities; and

**WHEREAS**, the Village President and Board of Trustees further find that the enactment of such regulations satisfies and functions as one of the Village's Best Management Practices (BMP) regarding the control of run-off as set forth in the Village's "Notice of Intent for General Permit for Discharges from Small Municipal Separate Storm Sewer Systems," as required by, and submitted to, the Illinois Environmental Protection Agency; and

**WHEREAS**, the Village President and Board of Trustees further find that the adoption of a new chapter to its Building Regulations establishing requirements to control run-off and protect natural drainage patterns would further the foregoing important public interests; and

**WHEREAS**, the Village is authorized pursuant to the Illinois Municipal Code to adopt any and all necessary rules and regulations for the grading and draining of lots, 65 ILCS 5/11-30-8 (2007), and this Ordinance is adopted and enacted pursuant to said authority and all other applicable provisions of the Illinois Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hinsdale, DuPage and Cook Counties and State of Illinois, as follows:

**Section 1:** The foregoing findings and recitals are incorporated herein by reference as though fully set forth.

**Section 2: Village Code Amended.** Title 9 (Building Regulations), Chapter 1 (Administrative Provisions), Section 1 (Permits Required) of the Village Code of Hinsdale is amended by adding the underlined language to read as follows:

**9-1-1: PERMITS REQUIRED:**

It shall be unlawful to construct, enlarge, alter, or demolish a structure, or to change the occupancy of a building or structure in a manner requiring greater strength, exit way, or sanitary provisions, or to change to another use, or to install or alter any equipment for which provision is made in or the installation of which is regulated by this eCode, or to conduct land-disturbing activities, without first filing an application with the building commissioner in writing and obtaining the required permits therefore as required by this Title; except that ordinary repairs, as defined in the international building code hereinafter adopted by reference, shall be exempt from this provision.

**Section 3: Village Code Amended.** Title 9 (Building Regulations) is amended by adding a new Chapter 14 (Land-Disturbing Activities) to read as follows:

**CHAPTER 14: REGULATION OF LAND-DISTURBING ACTIVITIES**

**9-14-1: PURPOSE:**

The purpose of this Chapter is to protect existing land grades, contours, drainage patterns and water quality from adverse consequences caused by land-disturbing activities such as digging, excavating, grading and filling, as well as from alteration of existing vegetation. This Chapter sets forth the procedures for the issuance, implementation and enforcement of grading permits.

## 9-14-2: DEFINITIONS:

For the purpose of this Chapter, and the interpretation and enforcement thereof, the following terms, phrases, words and their derivations shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

APPLICANT:	Any person, corporation, partnership, association of any type, public agency or any other legal entity who submits an application to the Village for a grading permit pursuant to this Chapter.
AS-GRADED:	The surface conditions upon completion of grading activities.
CIVIL ENGINEER:	A professional engineer registered in the State of Illinois to practice in the field of civil engineering.
EARTH MATERIAL:	Any rock soil, fill and/or combination thereof.
EROSION:	The wearing away of the ground surface as a result of the movement of wind, water and/or ice.
EXISTING GRADE:	The grade prior to any land disturbing activities governed by this Chapter.
FEMA:	The Federal Emergency Management Agency.
GRADE:	The vertical location of the ground surface.

FINISH GRADE:	The final grade of the site which conforms to the approved plan.
GRADING PERMIT:	The permit required for any land-disturbing activity as defined herein.
IEPA:	The Illinois Environmental Protection Agency.
LAND DISTURBING ACTIVITY:	Any activity that alters the existing drainage flow including, but not limited to, grading, filling, digging, or excavating earth material, construction or demolition of buildings and structures, as well as alteration to, or removal of, existing vegetation.
PERMITTEE:	The applicant in whose name a grading permit is issued pursuant to this Chapter and the applicant's agents, employees and others acting under the applicant's direction.
ROUGH GRADE:	The stage at which the grade conforms (within plus or minus three inches (+/- 3") of the approved plan.
SITE:	The parcel(s) or portion thereof, of real property upon which land disturbing activities are to be conducted.
SITE GRADING PLAN:	The delineation of best management practices or equivalent measures designed to protect existing land grades, contours, drainage patterns and water quality from adverse consequences caused by land-disturbing activities.
SOIL:	Naturally occurring deposits overlying bedrock.

VILLAGE: The Village of Hinsdale, Cook County and DuPage County, State of Illinois.

VILLAGE CODE: The Village Code of Hinsdale.

VILLAGE ENGINEER: The village engineer of the Village of Hinsdale and the village engineer's designees responsible for the administration and control of grading activities in the Village.

**9-14-3: CONSTRUCTION OF CHAPTER:**

Neither this Chapter, nor any administrative decision made pursuant hereto, shall be construed to:

- A. Exempt the site owner or permittee from procuring or complying with any other required permit;
- B. Relieve the site owner or permittee from legal responsibility for any damage, loss or injury caused as a result of any land disturbing activity, whether permitted or not, under this Chapter; or
- C. Limit the right of any person to initiate any action, at law or in equity, for redress, relief or damages caused by activities regulated by the Chapter.

**9-14-4: GRADING PERMITS:**

- A. General Requirement: No person may fill, store or dispose of earth materials; alter an existing land grade, contour or drainage pattern; or, perform any other land-disturbing activity without first obtaining a grading permit pursuant to this Chapter.
- B. Specific Projects Requiring a Permit: Projects that require a grading permit shall include, but are not limited to, the following:
  - 1. Construction of new homes or buildings;

2. Construction of new garages or auxiliary structures that change 10% or more of the existing structure's footprint;
3. Installation of underground swimming pools;
4. Construction of an addition to an existing structure that changes 10% or more of the existing structure's footprint;
5. Landscaping that changes the grade of the site such that existing drainage flows will be altered;
6. Any project that includes the creation of a foundation; and
7. Demolition of any building or structure.

**9-14-5: EXEMPTIONS:**

Projects that in the determination of the village engineer do not alter an existing grade, contour or drainage flow shall not be subject to the permit requirements of this Chapter, including, but not limited to, the following:

- A. Raised decks; and
- B. Open fences.

**9-14-6: PERMIT APPLICATION PROCEDURES:**

- A. Information Required: No request for a grading permit shall be reviewed until the following items have been submitted to the Village:
  1. Application form;
  2. Permit fee;
  3. If required, four (4) copies of the proposed site grading plan; and
  4. Proof of notice to adjacent property owners.

B. For land-disturbing activities over 2500 square feet in area, or areas located within a regulatory floodplain as established by FEMA or DuPage County, the applicant must instead obtain and satisfy the requirements of the stormwater management permit.

**9-14-7: GRADING PERMIT APPLICATION FORM:**

The applicant shall submit the grading permit application form supplied by the Village and shall provide the following information:

- A. Address and permanent index number (PIN) of the site;
- B. Name, address and telephone number of the applicant(s);
- C. Name, address and telephone number of all contractors, subcontractors or other persons performing activities at the site;
- D. Description and schematic depiction of the project; and
- E. Signature(s) of the owner(s) of the site.

**9-14-8: SITE GRADING PLAN:**

- A. Application Review: Upon submittal of a complete application form and grading permit fee as provided for in this Chapter, the village engineer shall determine whether a site grading plan is necessary, and if so, the level of plan detail that shall be required. If a site grading plan is deemed necessary, it shall be prepared, signed and sealed by a professionally licensed engineer who shall also provide an opinion that the submittal meets the criteria required by this Chapter.
- B. Plan Detail: The site grading plan shall include:
  - 1. Name, address and telephone number of the civil engineer(s) responsible for the preparation of the site grading plan;
  - 2. Legend;
  - 3. Scale of drawing;
  - 4. Site address;
  - 5. Existing and proposed topography of the entire site taken at one foot (1') contour intervals;

6. Contour intervals that extend a minimum of twenty-five feet (25') off-site or sufficient enough to show on and off-site drainage;
7. Site lot lines and all drainage and utility easements on, under or across thereto;
8. Location and representation of all existing natural drainage and run-off patterns, swales and flows, as well as manmade drainage facilities, and all proposed natural and manmade drainage facilities, including all surface and subsurface drainage devices, walls, cribbing, and dams on or within fifty feet (50') of the site;
9. Delineation of the drainage area and the drainage area served by all existing and proposed down spouts, footing drains and sump pump discharges, and disposition of discharge therefrom;
10. Location of the proposed areas of excavation, fill, storage and disposal of earth materials;
11. Location and identification of existing vegetation; new vegetation to be placed on the site and vegetation to be removed from the site;
12. Location of any existing and proposed buildings and structures including top of foundation, garage slab and elevations of proposed finished grade at all significant points around the proposed building or structure, including window wells, patios and swimming pools;
13. Impervious surface area calculation;
14. Delineation of the measures that will be used to control surface erosion and run-off from the site after all buildings and structures and permanent improvements have been erected on the site;
15. Elevation and descriptions of the benchmark utilized for the site grading plan. The FEMA

datum should be used for all properties located either entirely or partially in the regulatory floodplain;

16. Three to five representative cross-sections for each side yard between another lot. Cross-sections shall extend between the top of foundation (T/F) of the lot to the T/F of the adjacent lot(s);
  17. Locations of all manholes, utility structures, fire hydrants, street lights, curbs, sidewalks, transformers, junction boxes and pads/pedestals located in the public right-of-way, or in any easements on the subject property;
  18. To the extent the site grading plan includes a connection to a Village storm sewer, the applicant shall provide the size and location of all sanitary and storm sewers, water mains, and open ditches located in the public right-of-way or in any easement. The rim and invert elevation shall be provided for all storm and sanitary structures within or near the vicinity of the subject property. The direction of flow for all storm and sanitary sewer and open ditches must also be provided; and
  19. Certification that the proposed project will not result in drainage, erosion or run-off which adversely impacts adjacent properties or public right-of-ways.
- C. Submittal of Site Grading Plan: The site grading plan shall be prepared and stamped by a civil engineer and drawn to a scale of one inch (1") equals twenty feet (20'). The plan shall be submitted on paper which measures eleven inches by seventeen inches (11" x 17"). With the prior approval of the village engineer, for certain large or multi-parcel projects, the plan may be on paper which is twenty-four inches by thirty-six inches (24" x 36"). Two copies of the site grading plan shall be submitted to the village engineer.
- D. Notice to Adjacent Property Owners: The applicant shall provide notice of the land disturbing activities to any

adjacent property owner in a form to be provided by the Village. Proof of service of said notice by means of a signed affidavit form shall be submitted at the time the application is filed.

**9-14-9: SUBMISSION OF ADDITIONAL DATA:**

- A. The village engineer shall review all documentation submitted pursuant to this Chapter and, if deemed necessary to evaluate potential adverse consequences from the proposed land-disturbing activity, the village engineer shall have the authority to request additional data, clarification or correction of data previously submitted.
- B. Interim Measures: To the extent the village engineer determines that the run-off, erosion, sedimentation or drainage expected to occur while the project is on-going, and before final grading, will adversely impact adjacent properties or public right-of-ways, the site grading plan shall also include:
  - 1. Additional detail regarding the intended interim on-site storage, placement, fill and disposal of earth materials; and
  - 2. A specific plan to eliminate the adverse impacts identified including, but not limited to, interim soil stabilization devices and proposed measures for erosion and sedimentation control. All such proposed measures shall be based upon the standards and requirements contained in the latest edition of the Illinois Urban Manual, compiled by the IEPA and Department of Agriculture.
- C. Demolition: Where demolition of existing structures on a site is intended, yet permanent improvements will not be constructed thereon within 60 days from the date of demolition, delineation of measures to control run-off, erosion and sedimentation as required by this Chapter must be provided.
- D. Final Grading: To the extent the village engineer determines that the proposed final grade, land contour or

drainage pattern will, upon project completion, adversely impact adjacent properties or the public right-of-ways, the site grading plan shall also include:

1. Data regarding the classification, distribution, strength, and erodability of existing soils;
2. Data regarding the nature, distribution, strength and erodability of earth materials if any are to be placed on the site;
3. Level of water table;
4. Plans for permanent soil stabilization upon project completion;
5. Design criteria for corrective measures, when necessary; and
6. Alternate proposal for final grading that will eliminate the identified adverse impacts.

E. As Graded: Upon final completion of the work, the village engineer may require an as-graded plan to include the following:

1. Approved site grading plan;
2. As-graded ground surface elevations and one (1) foot contours;
3. Lot drainage patterns; and
4. Locations and elevations of all surface and subsurface drainage facilities.

**9-14-10: PERMIT DENIAL:**

- A. Standard: If the village engineer determines that the proposed work will unreasonably divert or detain surface water onto adjacent properties or the public right of ways; alter existing drainage patterns so as to adversely impact adjacent properties or the public right of ways; increase or concentrate run-off of storm water onto adjacent

properties or the public right-of-ways; or cause some similar adverse impact, and, the applicant fails to submit proposed measures that would eliminate the identified adverse impacts, the request for a grading permit shall be denied or revoked.

- B. **Right to Appeal:** Any person aggrieved by the village engineer's denial, suspension or revocation of a grading permit shall have a right to appeal such decision to the village manager. Within ten (10) days after receipt of the village engineer's notice of denial or revocation, the applicant or permit holder may make a written request for a hearing regarding the denial or revocation. The village manager, after receipt of the written request for a hearing, shall set a time and date certain for such hearing within ten (10) days after such receipt. The village manager shall give written notice of such hearing to the applicant or permit holder at least five (5) days in advance of the hearing date. At the hearing, the applicant or permit holder may present and submit evidence and witnesses to rebut the reasons cited by the village engineer for revoking or denying the permit. Within five (5) days after the close of the hearing, the village manager shall render a decision in writing. The village manager may reinstate a revoked permit, grant the requested permit or a renewal thereof, or affirm the village engineer's decision. The action taken by the village manager shall be final.

**9-14.11: ASSIGNMENT OF PERMIT:**

A grading permit issued pursuant to this Chapter may be assigned under the following conditions:

- A. Prior to the assignment, the permittee notifies the village engineer of the proposed assignment; and
- B. The proposed assignee:
1. Submits a new application form;
  2. Agrees to all conditions and duties imposed by the existing grading permit and site grading plan, including any modifications thereto; and

3. Assumes full legal responsibility for all work performed prior to the date of the assignment.

**9-14-12: PERMITTEE'S DUTIES:**

- A. Upon the issuance of a grading permit, a permittee shall:
  1. Maintain a copy of the grading permit and the site grading plan at the site and the permit shall be available for public inspection during working hours; and
  2. Post the grading permit placard at the site at least forty-eight (48) hours prior to the initiation of any land disturbing activity.
- B. At all times during the implementation of the site grading plan, the permittee shall:
  1. Act in conformity with the grading permit;
  2. Notify the village engineer within forty-eight (48) hours of the following:
    - a. The initiation of the work at the site;
    - b. The installation of all erosion control devices; and
    - c. The readiness of the site for final inspection, including, but not limited to, finished grading, installation of drainage devices and final erosion control measures.
- C. A permittee shall stop work immediately and notify the village engineer if site conditions arise that preclude conformance of the work to the approved site grading plan.
  1. Said notice shall identify the site conditions that preclude compliance with the site grading plan and delineate any and all revisions, modifications

and/or additions thereby required to the site grading plan.

2. The village engineer shall review all documentation submitted pursuant to Section 9-4-12(C)(1) above and may require a permittee to further clarify, revise or supplement the proposed site grading plan modifications prior to resuming any work at the site.

**9-14-13: SITE INSPECTIONS:**

The village engineer may inspect a site as necessary to determine compliance with, and to effectuate the purposes of, this Chapter, including, but not limited to, the following:

- A. Compliance with the issuance of a notice of suspension or revocation of a permit given pursuant to Section 9-4-14 of this Chapter;
- B. To verify completion of any modifications required as a result of changed site conditions;
- C. During and following any rainfall; and
- D. Upon receipt of notice that site conditions pose a health or safety risk.

**9-14-14: SUSPENSION OR REVOCATION OF PERMIT**

- A. The village engineer shall issue a stop work order and suspend a grading permit when:
  1. It is determined that the grading permit was issued in error, on the basis of incorrect information supplied, or in violation of any ordinance, regulation or provision of the Village Code;
  2. A permittee fails to comply with any of the duties set forth in this Chapter; or
  3. An inspection by the village engineer reveals that the work is not in conformance with the site grading plan, or required modifications thereto.

- B. The village engineer may revoke any grading permit if the permittee fails or refuses, after suspension of the grading permit and receipt of a stop work order, to cease work at the site.

**9-14-15: HAZARDS:**

- A. Notwithstanding any permits issued pursuant to this Chapter, whenever the village engineer determines that any existing excavation, embankment, fill, or land contour on private property is a health hazard or adversely affects the safety, use or stability of a public way or drainage channel, the owner of said property shall, upon receipt of written notice from the village engineer and within the period specified therein, abate or eliminate any such hazard as ordered by the village engineer.
- B. The village shall have the right to abate any hazard related to the activities regulated by this Chapter.

**9-14-16: VIOLATIONS:**

- A. Failure to Obtain a Permit: It shall be unlawful for any person to initiate or engage in any land-disturbing activity prior to obtaining a grading permit as required by this Chapter.
- B. Refusal to Comply: It shall be unlawful for any permittee to continue work on a site after suspension or revocation of a grading permit or after receipt of a stop work order issued by the Village.
- C. Fines and Penalties: Any person who violates the provisions of this Section shall be guilty of a violation punishable by a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed for each day that an offense continues.

**9-14-17: PERMIT FEE:**

The fee for a grading permit required by this chapter shall be \$100.00.

Section 4. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this 20th day of March 2007.

AYES: TRUSTEES TUGGLE, WILLIAMS, SMITH, ORLER, JOHNSON, FOLLETT

NAYS: NONE

ABSENT: NONE

APPROVED this 20th day of March 2007.



Michael D. Woerner, Village President



Barbara Johanson-Grigola, Village Clerk

by *Christine M. Brunton*  
Deputy Village Clerk

