

**The City of Lake Forest**  
**Stormwater Management Policy**  
Approved by City Council on March 7, 2016  
Modifications Approved by City Council on February 19, 2019

**I. Purpose**

The purpose of this policy is to address home and property drainage issues relating to stormwater within The City of Lake Forest. This policy provides procedures for conducting inspections and maintenance relating to stormwater concerns raised by property owners. The City of Lake Forest provides assistance to property owners during a rainfall event by investigating the source of the flooding. In all cases, the private property owner is responsible for not obstructing the natural flow of stormwater, repairing and maintaining any improved and unimproved drainage systems located on their property including, but not limited to, ravines and bluffs, and solving any subsequent localized drainage problems. This policy defines the responsibilities of both private property owners and the City in managing stormwater.

The Stormwater Management Policy (SMP hereafter) guides the transportation or movement of stormwater in order to reduce damage to property and protect public health, safety, and general welfare. The policy also assists in identifying projects, programs, and initiatives that will reduce flooding conditions within the City by the most cost effective means and at the appropriate level of protection.

**II. Applicability**

This policy applies to stormwater issues, abutting or affecting all residential, commercial, open space, and public property within the City.

**III. Objectives**

- A. Enforcement of City-wide uniform minimum stormwater regulations as set forth by the Lake County Watershed Development Ordinance  
<http://www.lakecountyil.gov/DocumentCenter/View/3445>
- B. Outline City and landowner stormwater expectations
- C. Be in compliance with all applicable Local, State and Federal Laws
- D. Promote responsible land use practices within floodways, wetlands, and floodplains
- E. Control erosion and sedimentation in and from drainage, developments, and constructions sites
- F. Encourage new development to meet the natural topography of the site
- G. Preserve the natural profile of ravines and prevent soil erosion

- H. Promote awareness and understanding of stormwater management issues to residents through public information and educational programs.

#### **IV. Introduction**

Stormwater drainage frequently involves flood control measures, such as clearing, maintaining and repairing natural channels, storm sewer pipes, and storm drainage structures. Response to flooding issues are initiated by property owners and completed by the procedure described in this policy.

#### **V. Policies**

##### **A. Stormwater Drainage Capital Projects List**

The Department of Public Works shall maintain a prioritized Capital Improvement Plan (CIP) of proposed public stormwater drainage projects. Proposed projects may be added to the list by the procedure described in this policy.

Per the City's Rainfall Emergency Plan, the City's response to stormwater issues are prioritized as follows:

1. Keep basements clear of sanitary sewage due to a back-up / plug in the City-owned sanitary sewer system.
2. Keep streets open during heavy rainfall events for the safe passage of vehicles.
3. Encourage residents to maintain established overland drainage routes through their property to deter flooding.

##### **B. Procedures for Having Stormwater Issues Evaluated**

1. Residents who have stormwater concerns in their yards or basements shall call or submit a letter to City staff describing the problem in detail.
2. A site visit will be performed by City staff in order to give a diagnosis of the stormwater issue and recommendation of next steps. City staff will determine if the flooding is caused by an issue with the City's infrastructure (storm and / or sanitary sewers) or a private property owner's infrastructure or failure within any natural channels. If the cause of flooding is determined to be a City infrastructure problem, the City is responsible for any short term repairs in a timely manner. If the cause of flooding is determined to be a property owner problem, such as a failed sump pump, altered landscaping, failure to clear, maintain, and repair storm/sanitary infrastructure or natural channels, the property owner is responsible for the repairs. City staff typically

investigates basement flooding within 24 hours after being notified by the property owner and private yard flooding events within three days.

3. If it is determined that the property owner is responsible for correcting the flooding problem, the property owner is encouraged to work with City staff from the City's Engineering, Water & Sewer, and / or Building Departments. Staff from these Departments can provide ideas and possible solutions to correct or minimize the flooding issue. Private property owners are also welcome to solicit input from local engineering and / or plumbing firms.
4. Private stormwater issues that negatively affect and impact City infrastructure and/or services, for example the failure of a ravine slope on private property threatening public health and safety, may be subject to enforcement action by the City including, but not limited to, the imposition of fines and penalties, abatement, and the recovery of costs.

#### **C. Placement of a Stormwater Drainage Project on the City's Five-Year Capital Improvement Plan**

Upon recommendation by the Director of Public Works and / or the City Engineer and subsequent approval by the Public Works Committee, a stormwater project may be placed in the City's five –year capital improvement plan subject to final approval by City Council.

#### **D. Public Project Approval and Funding**

The Director of Public Works may recommend, and the City Manager may approve, public stormwater projects if the combined total cost of the entire project is under \$20,000. Such projects may be constructed by City staff or contracted to local underground contractors. All other projects over \$20,000 must be approved by the City Council before implementation. For projects requiring City Council approval, staff will provide a recommendation regarding project approval, funding, and scheduling. Projects may be approved by appropriating funds during the annual budget process or by the City Council at other times throughout the year. The City Council will be provided with and will review the current project list on an annual basis at their November capital budget meeting. The City Council will ultimately decide which capital projects (stormwater and non-stormwater) are considered priority for the upcoming fiscal year.

### **VI. Illinois Drainage Law Guidelines for Residents**

The basic principle of the Illinois drainage law is that landowners must accept the advantages or inconveniences of drainage nature places upon their land. One of the most important principles of the Illinois drainage law is that owners cannot alter drainage and that owners of lower ground must receive surface water that naturally flows onto it from higher ground. Where the natural flow is from one tract across another tract, the higher land is the dominant tenement, and the lower land is the servient tenement. Owners of dominant tenements have legal rights to have water drain off their lands. Owners of servient tenements have the duty of not obstructing the natural flow.

A landowner has no right to obstruct the flow of surface water. Under Illinois law, the owner of lower land has no right to build a dam, levee, or other artificial structure that will interfere with the drainage of higher land. In fact, the willful and intentional interference by an owner of lower land is considered a petty offense and is punishable by a fine. This is in addition to private lawsuits that the owners of affected properties may file. Under the Illinois drainage law, private landowners have certain rights to improve the drainage on their land. They may:

- Widen, deepen, and clean natural depressions that carry surface water
- Straighten out channels on their own property and accelerate the movement of surface water so long as they do not change the natural point of entry or unreasonably increase the flow of water onto lower land
- Drain standing or ponding water in the direction of overflow
- Tile their property to expedite the flow of water so long as they do not unreasonably increase the flow, change the point of entry on lower land, bring water from another watershed, or connect their drainage tiles to the tile of other owners without their consent
- Expedite the flow of surface waters through natural lines of drainage into a watercourse or stream

All of the above possible improvements noted above require plan review and approval by The City of Lake Forest's Engineering Section.

Because of the effect on surrounding lands, landowners must not:

- Dam or obstruct a natural drainage channel so that the escape of surface water from higher land is retarded or the channel is shifted
- Divert water to lands that do not naturally receive this drainage
- Change the point of entry of surface water on lower land
- Bring in water from another watershed that would not have flowed across lower land naturally
- Pollute any waters that pass from their land through the property of others - whether surface or underground water, streams, or diffused waters
- Connect their own tile with another owner's tile lines or with roadway tile lines without consent
- Accelerate the flow of water unreasonably, or with malicious intent, to the material damage of lower land owned by others, even though the flow is accelerated through natural channels

The City of Lake Forest and other public agencies have constructed stormwater facilities that are designed to expedite the drainage of stormwater, but not to eliminate all flooding. Other ways, per the Illinois Drainage Law, to eliminate or minimize flooding on a lot may be found in this link:

Illinois Drainage Law: <http://ilga.gov/legislation/ilcs/ilcs5.asp?ActID=869&ChapterID=15>

There are instances where yards are designed to carry stormwater runoff overland towards a nearby structure, stream, or creek. Also, if a piece of property is within a floodplain, it is at risk for flooding

if the stream overflows during prolonged rainfall or rapid snowmelt. A high water table may also contribute to wet basements.

To deal with wet basements, the City recommends checking the building's gutters and downspouts. Downspout water should be directed away from the building; preferably towards the front and rear of the lot or towards the nearest storm sewer structure if one is available. City staff also recommends consulting a professional drainage consultant about re-grading around the foundation of any building so as to direct water away. The property owner's consultant may also propose constructing swales along the property lines to convey water to the desired location. The property owner may also consider installing a catch basin or yard drain at the low point on the lot and conveying stormwater out towards the right-of-way, drainage easement, or storm sewer. The property owner's consultant must submit an engineered proposal to the Engineering Section for approval before this work can be done. The proposal should include sufficient grading information to clearly and accurately show drainage on the lot before and after the proposed work is done. If any drains or conveyance pipes are to be installed, the consultant should include the sizes and materials of such items as well as rim and invert elevations for any and all structures to be installed.

Finally, property owners are reminded that re-grading and/or landscaping within a drainage easement is not allowed. Any exceptions to this must be approved by the City's Engineering Section. Permanent structures (i.e. sheds) are also not allowed within drainage easements, or any structure (i.e. wall, fence) that will disrupt or otherwise block the natural or designed flow of water through the easement.

## **VII. Stormwater Management Program**

### **A. Public Education**

1. Provide stormwater information on the City's website
2. Utilize the City's quarterly "Dialogue" publication
3. Provide a copy of this policy to local realtors for distribution during a property sale
4. Encourage environmental best practices such as rain gardens and rain barrels
5. Educate private property owners regarding their responsibility for the repair and maintenance of improved and unimproved conveyances for stormwater on their property including, but not limited to, ravines and bluffs.

### **B. Annual Public Property Maintenance Performed by the City**

1. Sanitary Sewer lateral cleaning
2. Sanitary and Storm Sewer lining and rehabilitation

### **C. Capital Improvements**

1. Storm Sewer system studies
2. Stormwater projects as recommended by the Public Works Committee and approved by the City Council

**D. Require Best Management Practices through Lake County Watershed Development Ordinance**

**Periodic review of the City's:**

1. Zoning ordinance
2. City Code
3. Maintain status as a Lake County Certified Community under the Lake County Watershed Development Ordinance
4. Continued compliance with the City's National Pollution Discharge Elimination System (NPDES) program as required by the Illinois Environmental Protection Agency (IEPA)