

## ORDINANCES 2008

08-01

An ordinance for the establishment of an altered speed zone of 35 mph on a portion of Royalton Rd. beginning at US 51 and extending easterly past 6<sup>th</sup> street for a total distance of 0.15 miles

08-02

An ordinance for the establishment of an altered speed zone of 35 mph on a portion of Elkville Rd. beginning at US 51 and extending westerly past West Kimmel Street for a total distance of 0.5 miles

08-03

Flood damage prevention ordinance

08-04

A ordinance amending the Jackson County Recycling Ordinance

08-05

An Ordinance to Add Territory to the Jackson County Enterprise Zone for the addition of the Mt. Carbon property

08-06

An Ordinance to Add Territory to the Jackson County Enterprise Zone for the addition of Lots 1 and 2 in Reeds Station Subdivision

08-07

An ordinance proving for and making the annual tax levy for Jackson County, Illinois for the year December 1, 2008 through November 30, 2009

08-08

An Ordinance for the Establishment of an Altered Speed Zone of 45m.p.h. on Landfill Rd. (CH33) beginning at U.S. Route 51 extending westerly to Township Line Rd. for a total distance of 1.73 miles

**AN ORDINANCE FOR THE ESTABLISHMENT**

08-01

**OF AN ALTERED SPEED ZONE**

**IT IS HEREBY DECLARED** by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-604 of the Illinois Vehicle Code are more than that considered reasonable and proper on the highway listed below for which Jackson County Department of Highways has maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

**BE IT FURTHER DECLARED** that this Board has caused to be made an engineering and traffic investigation upon highway listed below; and,

**BE IT FURTHER DECLARED** that, by virtue of Section 11-604 of the above Code, this Board determines and declares that reasonable and proper absolute maximum speed limit upon a portion of Royaltan Road as listed below shall be 35 m.p.h.

**A 35 mile per hour speed limit beginning at US 51 and extending easterly past 6<sup>th</sup> Street for a total distance of 0.15 miles.**

**BE IT FURTHER DECLARED** that signs be erected giving notice thereof in conformance with the standards and specifications contained in the Illinois Manual of Uniform Traffic Control Devices for Streets and Highways.

**BE IT FURTHER DECLARED** that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limits.

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*I, Larry Reinhardt, County Clerk in and for Jackson County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of an ordinance adopted by the Board of Jackson County at its regular meeting held at Murphysboro on \_\_\_\_\_, 2008.*

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of said County this \_\_\_\_ day of \_\_\_\_\_, 2008

*Larry W Reinhardt*

Larry Reinhardt, County Clerk

SEAL

**AN ORDINANCE FOR THE ESTABLISHMENT**

08-02

**OF AN ALTERED SPEED ZONE**

**IT IS HEREBY DECLARED** by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-604 of the Illinois Vehicle Code are more than that considered reasonable and proper on the highway listed below for which Jackson County Department of Highways has maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

**BE IT FURTHER DECLARED** that this Board has caused to be made an engineering and traffic investigation upon highway listed below; and,

**BE IT FURTHER DECLARED** that, by virtue of Section 11-604 of the above Code, this Board determines and declares that reasonable and proper absolute maximum speed limit upon a portion of Elkhart Road as listed below shall be 35 m.p.h.

**A 35 mile per hour speed limit beginning at US 51 and extending westerly past West Kimmel Street for a total distance of 0.5 miles.**

**BE IT FURTHER DECLARED** that signs be erected giving notice thereof in conformance with the standards and specifications contained in the Illinois Manual of Uniform Traffic Control Devices for Streets and Highways.

**BE IT FURTHER DECLARED** that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limits.

\*\*\*

*I, Larry Reinhardt, County Clerk in and for Jackson County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of an ordinance adopted by the Board of Jackson County at its regular meeting held at Murphysboro on \_\_\_\_\_, 2008.*

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of said County this \_\_\_\_ day of \_\_\_\_\_, 2008

*Larry W Reinhardt*

Larry Reinhardt, County Clerk

SEAL

AN ORDINANCE  
REGULATING DEVELOPMENT IN FLOODPLAIN AREAS

Ordinance # 08-03

Jackson County

# **FLOOD DAMAGE PREVENTION ORDINANCE**

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60.3(d) for counties with detailed mapping and countywide maps

Ordinance # 08-03

## **AN ORDINANCE REGULATING DEVELOPMENT IN FLOODPLAIN AREAS**

Be it ordained by the County Board of Jackson County, Illinois as follows:

### **Section 1. Purpose.**

This ordinance is enacted pursuant to the police powers granted to Jackson County by the County Statutory Authority in 55 ILCS 5/5-1041, 5/5-1063, 5/5-1113, and 5/5-40001 in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others;
- B. protect new buildings and major improvements to buildings from flood damage;
- C. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, as well as flood rescue and relief operations;
- D. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- F. make federally subsidized flood insurance available, and
- G. to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

7. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

**Existing Manufactured Home Park or Subdivision-** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision-** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA-** Federal Emergency Management Agency

**Flood-** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood Fringe-** That portion of the floodplain outside of the regulatory floodway.

**Flood Insurance Rate Map-** A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHS) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

**Flood Insurance Study-** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Floodplain and Special Flood Hazard Area (SFHA)-** These two terms are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of Bear Creek, Beaucoup Creek, Big Muddy River, Camp Creek, Caney Creek, Cave Creek, Cedar Creek, Clay Lick Creek, Crab Orchard Creek, Degognia Creek, Drury Creek, Galum Creek, Glades Creek, Glenn Creek, Half mile Creek, Indian Creek, Johnson Creek, Jones Quarry Creek, Kinkaid Creek, Lewis Creek, Little Muddy River, Little Crab Orchard Creek, Little Kinkaid Creek, Long Creek, Mississippi River, Mud Creek, North Fork, North Tributary, Piles Fork Creek, Plum Creek, Pond Creek, Rattle Snake Creek, Sixmile Creek, South Fork, South fork Tributary, South Tributary, Spring Creek, Sycamore Creek, Town Creek, Tributary No. 1, Tributary No. 2, Tributary No. 3, Tributary No. 6, Tributary No. 8, Tributary No. 10, Tributary No. 12, Tributary No. 14, Tributary No. 15, Tributary No. 16, Wolf Creek are generally identified on the countywide Flood Insurance Rate Map of Jackson County

lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.

**Manufactured Home-** A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

**Manufactured Home Park or Subdivision-** A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

**New Construction-** Structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

**New Manufactured Home Park or Subdivision-** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**NFIP-** National Flood Insurance Program.

**Recreational Vehicle or Travel Trailer-** A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less in size;
3. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Repetitive Loss-** Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

**SFHA-** See definition of floodplain.

**Start of Construction-** Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a

### **Section 3. Base Flood Elevation.**

This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- A. The base flood elevation for the floodplains of a portion of the Big Muddy River, Crab Orchard Creek, Drury Creek, Glades Creek, Indian Creek, Little Crab Orchard Creek, Mississippi River, North Fork, North Tributary, Piles Fork Creek, Pond Creek, South Fork, South Fork Tributary, South Tributary, Sycamore Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Jackson County prepared by the Federal Emergency Management Agency and May 2, 2008.
- B. The base flood elevation for each floodplain delineated as an "AH Zone" or AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Jackson County.
- C. The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Jackson County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

### **Section 4. Duties of the Chief County Assessment Officer**

The Chief County Assessment Officer shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of Jackson County meet the requirements of this ordinance. Specifically, the Chief County Assessment Officer shall:

- A. Process development permits in accordance with Section 5;
- B. ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- C. ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- D. assure that all subdivisions and annexations meet the requirements of Section 8;
- E. ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;

3. the location and dimensions of all buildings and additions to buildings;
  4. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance, and
  5. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a development permit, the Chief County Assessment Officer shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

The Chief County Assessment Officer shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The Chief County Assessment Officer shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Chief County Assessment Officer shall not issue a permit unless all other federal, state, and local permits have been obtained.

#### **Section 6. Preventing Increased Flood Heights and Resulting Damages.**

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to

- d. Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
  - e. All disturbed areas shall be returned to pre-construction grades and re-vegetated.
  - f. All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
- a. The boat dock must not extend more than fifty (50) feet into a waterway and no more than one quarter (1/4) of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.
  - b. The width of the boat dock shall not be more than ten (10) feet.
  - c. For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty (50) feet.
  - d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projected property line.
  - e. Dock posts must be marked by reflective devices.
  - f. The boat dock must be securely anchored to prevent detachment during times of high wind or water.
  - g. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
  - h. This permit does not authorize any other related construction activity such as shore protection or fill.
  - i. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.

- c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
  - d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
- 7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
  - a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
  - b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
  - c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.
  - d. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.
- 8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
  - a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial

- j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
  - k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:
    - i. It is constructed in alignment with an existing seawall(s) or gabion structure(s), and
    - ii. the volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.
  - l. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.
9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
- a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
  - b. The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
  - c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property, and
  - d. must not involve the placement of any fill material.
  - e. No construction shall be undertaken in, or within fifty (50) feet of the bank of the stream channel.
  - f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
  - g. Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for

- vi. used for beach nourishment, provided the material meets all applicable water quality standards.
  - e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.
- 11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:
  - a. A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
    - i. No buildings or structures have been impacted by the backwater induced by the existing structure, and
    - ii. there is no record of complaints of flood damages associated with the existing structure.
  - b. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
  - c. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).
  - d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).

- g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
- h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).

13. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

B. Other development activities not listed in 6(A) may be permitted only if:

- 1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
- 2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

- c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
  - d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
  - e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
2. The building may be elevated on solid walls in accordance with the following:
- a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
  - b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
  - c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and
  - d. the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
    - i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
    - ii. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

D. Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and
2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:

1. The vehicle must be either self-propelled or towable by a light duty truck.
2. The hitch must remain on the vehicle at all times.
3. The vehicle must not be attached to external structures such as decks and porches
4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
6. The vehicle's wheels must remain on axles and inflated.
7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
8. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
9. The vehicle must be licensed and titled as a recreational vehicle or park model, and

A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
2. the boundary of the floodway when applicable, and
3. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

#### **Section 9. Public Health and Other Standards**

A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.
2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above

### **Section 11.. Variances.**

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Board of Review for a variance. The Board of Review shall review the applicant's request for a variance and shall submit its recommendation to the Jackson County Board. The Jackson County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
  - 1. The development activity cannot be located outside the floodplain.
  - 2. An exceptional hardship would result if the variance were not granted.
  - 3. The relief requested is the minimum necessary.
  - 4. There will be no additional threat to public health, safety or creation of a nuisance.
  - 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
  - 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
  - 7. all other state and federal permits have been obtained.
- B. The Board of Review shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:
  - 1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
  - 2. increase the risk to life and property, and
  - 3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- C. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic

4. The Jackson County Clerk and Recorder may record a notice of violation on the title of the property.

- B. The Chief County Assessment Officer shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Chief County Assessment Officer is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Board of Review. Written notice of such hearing shall be served on the permittee and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and
2. the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Board of Review shall determine whether the permit shall be suspended or revoked.

- C. Nothing herein shall prevent Jackson County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

#### **Section 14. Abrogation and Greater Restrictions.**

This ordinance repeals and replaces other ordinances adopted by the Jackson County Board to fulfill the requirements of the National Flood Insurance Program including: Ordinance 03-8 dated September 10, 2003. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **Section 15. Severability.**

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

# **ORDINANCE 2008 - 04**

## **AN ORDINANCE AMENDING THE JACKSON COUNTY RECYCLING ORDINANCE**

**WHEREAS**, the County Board of Jackson County, Illinois adopted the Jackson County Recycling Ordinance on September 11, 1996; and

**WHEREAS**, the County Board amended said ordinance on December 11, 1996 and April 9, 1997; and

**WHEREAS**, the County Board adopted a Ten-Year Update to the Jackson County Solid Waste Management Plan (hereafter referred to as the "Plan") on November 8, 2006 which set forth many recommendations for the County to further its goals to reduce waste and recycle; and

**WHEREAS**, the present ordinance is intended to amend the Recycling Ordinance and place said Plan recommendations into practice; and

**WHEREAS**, the revisions contained in the present ordinance were sent in draft format to municipalities and waste haulers in Jackson County for comment on their projected impact; and

**WHEREAS**, no comments were received on the projected impacts of the proposed revisions to the Recycling Ordinance; and

**WHEREAS**, the present amending ordinance is adopted by virtue of the authority of the Jackson County Board, Jackson County, Illinois; and

**WHEREAS**, the present ordinance has been duly approved by the Jackson County Board of Health;

**THEREFORE**, the Jackson County Board ordains and adopts the following:

1. The amendments made and adopted by this present amending ordinance shall be incorporated into the existing Jackson County Recycling Ordinance as if originally part of it; further
2. Preamble WHEREAS, the Jackson County Board finds that: A) Sanitary landfill capacity is limited ~~rapidly diminishing~~;

12. **SECTION 4. Separation of Recyclables**

A) Each person in Jackson County shall be encouraged to participate, to the fullest extent possible, in programs to collect recyclable materials, comply with one of the following:

~~A) — Reside within the corporate limits of a municipality which has entered into a written agreement with the County, and is participating in that municipality's solid waste and recycling program, wherein responsibility has been assumed for meeting the State-mandated recycling goal; and can demonstrate annually it has complied with the recycling requirement;~~

or

~~B) — Reside within the unincorporated area of a township which has entered into a written agreement with the County, and is participating in that township's solid waste and recycling program, wherein responsibility has been assumed for meeting the State-mandated recycling goal; and can demonstrate annually it has complied with the recycling requirement;~~

or

~~C) — Shall separate recyclable materials from all other refuse, garbage and solid waste, and store these recyclables separately in containers designed for recycling. As an alternative, persons may separate recyclable materials and take them to an established recycling center.~~

B) All haulers shall properly recycle any and all recyclable materials separated by the generator and set out for recycling collection, so long as the materials in question are ones collected for recycling by that hauler in accordance with Sections 7 and 9 of this Ordinance. Collected recyclables shall be sorted, processed and marketed as necessary to facilitate their recycling into new products, and shall not be disposed of in a landfill or other disposal facility. The only exception to this rule is when materials are grossly contaminated to the point where they cannot be properly sorted and processed. If a hauler determines that a customer's recyclable materials are too contaminated for recycling, the hauler must promptly notify the customer as to why the materials were not recycled.

- ⊖ D) The licensee shall notify the County in writing within thirty (30) days following a change in any application information.
- ⊖ E) Each application from a hauler engaged in the business of collecting or hauling garbage, solid waste recyclables, or other refuse from sites within the County, shall be accompanied by a material management separation plan in accordance with Section 7 of this ordinance.
- ⊖ F) The County shall provide license renewal forms to each hauler within sixty (60) days prior to the expiration of the licensee's current license. License renewal forms shall be completed and received by the County thirty (30) days prior to the expiration of the licensee's current license.
- ⊖ G) The County may grant a conditional license where an application and/or material management separation plan is incomplete. The conditional license shall specify the conditions upon which a permanent license will be granted and the time requirement within which the conditions must be met. Failure to comply with the conditions specified, shall result in a conditional license revocation and denial of a permanent license.
- ⊖ H) The County shall have thirty (30) days from the receipt of the license or renewal application to issue or deny the license, license renewal, or conditional license. The County will issue a temporary license valid for thirty (30) days upon the County's failure to act upon the application within thirty (30) days.
- ⊖ I) The past history of the applicant, in terms of compliance with this ordinance, will be considered for purposes of issuance or denial of the license. The County shall notify the applicant in writing of its decision. If issued, the license shall be mailed by first class mail to the address provided in the application. If denied, a written decision shall be served by certified mail upon the applicant at the address provided in the application.
- ⊖ J) A license denial shall provide written notice stating the basis for the denial and shall provide notice to the applicant that if an appeal is desired, a written request for a hearing must be received by the County within fifteen (15) days following service of the denial. Upon receipt of a hearing request, the County shall set a time and place for the hearing. The hearing shall be conducted in accordance with the procedures in Section 11 ~~10~~, Part 2 of this Ordinance.

16. **SECTION 8. Reporting**

On or before July 31st and January 31st of each year, each licensee engaged in the business of collecting or hauling garbage, solid waste, recyclables, or other refuse from sites within the County, shall submit a written report, on forms provided by the County, on its recycling service operation during the previous six (6) months. (January 1 - June 30; July 1 - December 31). Interim reports may also be required by the County. Failure to submit a report shall constitute a violation of this ordinance and will result in suspension or revocation of the license. This report shall contain:

1. The total tonnage of solid waste collected in the County and the amount disposed of at in-county and out-of-county facilities.
2. The total tonnage of recyclable materials collected in the County, by commodity, in each sector - dwelling units and commercial establishment units.
3. The total tonnage of landscape waste collected for land application and/or composting.

17. **Section 9. Collection of Recyclables**

- A) Collection of recyclables from all persons shall be by a hauler licensed by the County under this ordinance, and selected by the occupant of the unit, or by a manager of such unit, or by an association governing those units, or by a municipality or township, or by franchise awarded by a municipality or township.
- B) All haulers licensed by the County to engage in the collection of recyclables shall collect, at a minimum, the following materials from all residential dwellings which procure curbside recycling service: aluminum cans; steel cans; glass bottles and jars; plastic bottles (#1 and #2); newspaper; and corrugated cardboard. Haulers may collect additional types of recyclable materials, but shall report those additional types in the Material Management Plan as described in Section 7 of this Ordinance.

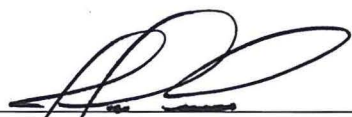
18. **SECTION 10. Hauler Requirements**

All haulers licensed by the County to engage in the collection of refuse and/or recyclable materials from sites within the County, shall be required to:

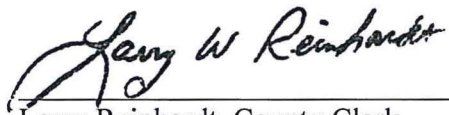
- A) Provide curbside recycling service to each residential dwelling they service which contains four (4) or fewer units and is located within the corporate limits of a municipality.

ORDAINED AND ADOPTED BY THE JACKSON COUNTY BOARD AT ITS REGULAR  
MONTHLY MEETING THIS 14<sup>th</sup> DAY OF August, 2008.

By its Chairman

  
\_\_\_\_\_  
John Evans, Chairman

ATTEST:

  
\_\_\_\_\_  
Larry Reinhardt, County Clerk  
Jackson County, Illinois

ORDINANCE NO. 08-5

AN ORDINANCE TO ADD TERRITORY  
TO THE JACKSON COUNTY ENTERPRISE ZONE  
(JACKSON COUNTY)

WHEREAS, the Jackson County Board established an Enterprise Zone through Ordinance No. 90-2, pursuant to authority granted it by the Illinois Enterprise Zone Act (The "Act"; P.A. 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Economic Opportunity, and subject to provisions of the Act; and

WHEREAS, an Intergovernmental Agreement was entered into between the County of Jackson, Illinois (hereinafter "County") and the Cities of Carbondale and Murphysboro (hereinafter collectively "Cities"), through which the governments designated certain areas, and any areas subsequently certified from time to time, as an Enterprise Zone pursuant to and in accordance with the Act, subject to certification of the State as in the Act provided, and known as the Jackson County Enterprise Zone; and

WHEREAS, the Jackson County Carbondale-Murphysboro Enterprise Zone was approved by the Illinois Department of Commerce and Economic Opportunity, effective March 1, 1990; and

WHEREAS, a request has been made to expand the current Enterprise Zone area through the addition of a certain parcel of property, pursuant to authority of the Act, and subject to approval by the Illinois Department of Commerce and Economic Opportunity, and subject to provisions of the Act; and

WHEREAS, the designating units of government through their designated zone administrator, and pursuant to statute, conducted at least one public hearing within the Enterprise Zone area.

NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD OF JACKSON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. That Section III of Ordinance 90-2, the Ordinance Establishing an Enterprise Zone for Jackson County, Illinois, is hereby amended by adding Exhibits A-38 and B-38 (which exhibits are attached to this ordinance and made a part thereof) to the list of Exhibits within said Section III.

SECTION 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 3. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION 4. That it is the intention of the Jackson County Board that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 5. That the Jackson County Board finds that the subject matter of this Ordinance pertains to the government and affairs of the Jackson County and is passed pursuant to authorities granted it by State statute and the Illinois Constitution.

SECTION 6. That this Ordinance shall be known as Ordinance No. \_\_\_\_\_ of the Jackson County, Illinois, and shall be in full force and effect from and after its passage, approval, and recording, and after the Illinois Department of Commerce and Economic Opportunity has approved the application for amendment to the Enterprise Zone in the Jackson County, Illinois.

PASSED this 12<sup>th</sup> day of Nov., 2008.

APPROVED this 12<sup>th</sup> day of Nov., 2008.

JACKSON COUNTY BOARD

  
COUNTY BOARD CHAIRMAN

ATTESTED:

  
COUNTY CLERK

**LEGAL DESCRIPTION**

Property is bounded on its west side and south side by an existing Enterprise Zone

**GENERAL DESCRIPTION**

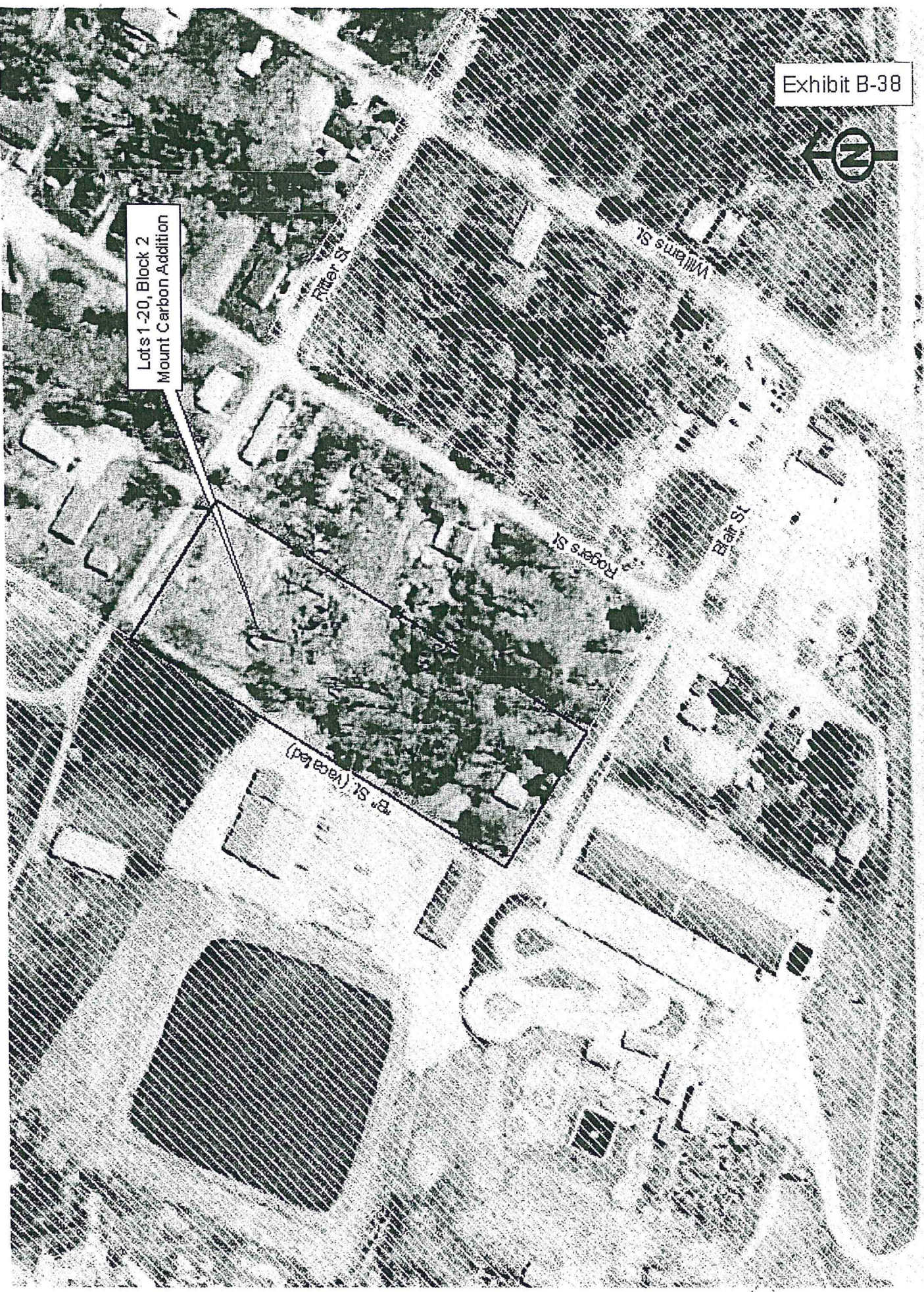
A part of Southwest 1/4 of Section 3, Township 9 South, Range 2 West of the 3rd Principal Meridian, County of Jackson, State of Illinois. Property lies adjacent to existing Enterprise Zone. In general, site to be added constitutes the west 1/2 of Block 2 including 1/2 width of vacated alley within Block 2, bounded on North by Ritter Street and on South by Blair Street.

**DETAILED DESCRIPTION**

Lots 1, 2, 3, and 4 in Block 2 in Mt. Carbon Addition, as shown by the recorded Plat thereof in Book 5 of Plats at page 16 in the Recorder's Office of Jackson County, Illinois, being situated in Jackson County, Illinois. Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 in Block 2 in Mt. Carbon Addition, as shown by the recorded Plat thereof in Book 5 of Plats at page 16 in the Recorder's office of Jackson County, Illinois, being situated in Jackson County, Illinois.



Lots 1-20, Block 2  
Mount Carbon Addition



ORDINANCE NO. 08-6

AN ORDINANCE TO ADD TERRITORY  
TO THE JACKSON COUNTY ENTERPRISE ZONE  
(JACKSON COUNTY)

WHEREAS, the Jackson County Board established an Enterprise Zone through Ordinance No. 90-2, pursuant to authority granted it by the Illinois Enterprise Zone Act (The "Act"; P.A. 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Economic Opportunity, and subject to provisions of the Act; and

WHEREAS, an Intergovernmental Agreement was entered into between the County of Jackson, Illinois (hereinafter "County") and the Cities of Carbondale and Murphysboro (hereinafter collectively "Cities"), through which the governments designated certain areas, and any areas subsequently certified from time to time, as an Enterprise Zone pursuant to and in accordance with the Act, subject to certification of the State as in the Act provided, and known as the Jackson County Enterprise Zone; and

WHEREAS, the Jackson County Carbondale-Murphysboro Enterprise Zone was approved by the Illinois Department of Commerce and Economic Opportunity, effective March 1, 1990; and

WHEREAS, a request has been made to expand the current Enterprise Zone area through the addition of a certain parcel of property, pursuant to authority of the Act, and subject to approval by the Illinois Department of Commerce and Economic Opportunity, and subject to provisions of the Act; and

WHEREAS, the designating units of government through their designated zone administrator, and pursuant to statute, conducted at least one public hearing within the Enterprise Zone area.

NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD OF JACKSON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. That Section III of Ordinance 90-2, the Ordinance Establishing an Enterprise Zone for Jackson County, Illinois, is hereby amended by adding Exhibits A-37 and B-37 (which exhibits are attached to this ordinance and made a part thereof) to the list of Exhibits within said Section III.

SECTION 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 3. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION 4. That it is the intention of the Jackson County Board that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 5. That the Jackson County Board finds that the subject matter of this Ordinance pertains to the government and affairs of the Jackson County and is passed pursuant to authorities granted it by State statute and the Illinois Constitution.

SECTION 6. That this Ordinance shall be known as Ordinance No. \_\_\_\_\_ of the Jackson County, Illinois, and shall be in full force and effect from and after its passage, approval, and recording, and after the Illinois Department of Commerce and Economic Opportunity has approved the application for amendment to the Enterprise Zone in the Jackson County, Illinois.

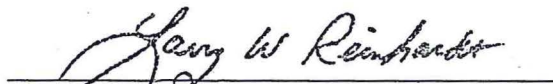
PASSED this 12<sup>th</sup> day of Nov., 2008.

APPROVED this 12<sup>th</sup> day of Nov., 2008.

JACKSON COUNTY BOARD

  
COUNTY BOARD CHAIRMAN

ATTESTED:

  
COUNTY CLERK

PROPOSED ENTERPRISE ZONE ANNEXATION

REED STATION CROSSING

DETAILED DESCRIPTION

Lots 1 and 2 in Reed Station Crossing subdivision, being a Part of the West One-half of the Northeast Quarter of Section 13, Township 9 South, Range 1 West, of the Third Principal Meridian, Jackson County, Illinois, as shown by the recorded plat thereof in Plat Cabinet 2 in Slot 73 in the Recorder's Office of Jackson County, Illinois,



Reed Station Crossing Subdivision

Lot 6 A

Lot 6 B

Lot 6 C

Lot 6 D

Lot 7

Lot 1

Lot 2

Lot 3

Lot 4

Lot 5

East Main Street (IL Rte 13)

**AN ORDINANCE FOR THE ESTABLISHMENT  
OF AN ALTERED SPEED ZONE**

08 - 8

**IT IS HEREBY DECLARED** by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-604 of the Illinois Vehicle Code are more than that considered reasonable and proper on the highway listed below for which Jackson County has maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

**BE IT FURTHER DECLARED** that this Board has caused to be made an engineering and traffic investigation upon highway listed below; and,

**BE IT FURTHER DECLARED** that, by virtue of Section 11-604 of the above Code, this Board determines and declares that reasonable and proper absolute maximum speed limit upon County Highway 33 (Landfill Road) as listed below shall be 45 m.p.h.

**A 45 mile per hour speed limit beginning at U.S. Route 51 extending westerly to Township Line Road for a total distance of 1.73 miles.**

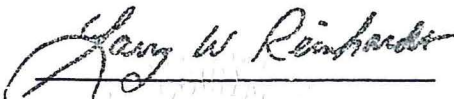
**BE IT FURTHER DECLARED** that signs be erected giving notice thereof in conformance with the standards and specifications contained in the Illinois Manual of Uniform Traffic Control Devices for Streets and Highways.

**BE IT FURTHER DECLARED** that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limits.

\*\*\*

I, Larry Reinhardt, County Clerk in and for Jackson County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of an ordinance adopted by the Board of Jackson County at its regular meeting held at Murphysboro on Wednesday, December 10, 2008.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of said County this 10 day of Dec, 2008.



Larry Reinhardt, County Clerk

**SEAL**