

**ORDINANCE NUMBER: 2026-11**

**AN ORDINANCE AMENDING SECTIONS 9-2-2 AND 9-3-5 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF POPLAR GROVE**

**WHEREAS**, the Village of Poplar Grove (“Village”) had adopted a Code of Ordinances (“Code”); and

**WHEREAS**, Title IX “Subdivision Control”, Chapter 3 “Procedures and Requirements” governs the procedures and requirements of subdivisions within the Village including, but not limited to, requirements of plans, plats, data, improvements, bonds, and corporate surety; and

**WHEREAS**, the Village wishes to amend Section 9-2-2 “Definitions”, of Chapter 2 “Rules and Definitions”, of Title IX “Subdivision Control”, of the Code, as set forth herein; and

**WHEREAS**, the Village wishes to amend Section 9-3-5 “Completion and Maintenance of Improvements”, of Chapter 3 “Procedures and Requirements”, of Title IX “Subdivision Control”, of the Code, as set forth herein; and

**WHEREAS**, the Village has determined that it is in the best interest of the Village and its citizens to approve such amendment.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Poplar Grove, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.
2. Section 9-2-2 “Definitions” of the Code of Ordinances for the Village of Poplar Grove, shall be and hereby is amended, to read as follows (deletions shown as ~~striketroughs~~ and new language as **bold** and underlined):

**“9-2-2. – DEFINITIONS.**

*Plat, preliminary.* The drawings and documents presented for tentative approval, as described in section 9-3-3-1 of this Title.

**Public Improvements. Improvements to or on public property of which improvements are owned by or intended to be owned by the Village or are required for the subdivision to perform as intended by the design engineer. Examples of Public Improvements include, but are not limited to, roadways, curbs, gutters, sidewalks/paths, culverts, watermains, sanitary sewer mains, stormwater management systems, mass grading of the subdivision, restoration of areas disturbed by construction, street lighting, temporary/permanent stormwater pollution prevention best practices, and neighborhood parks (to the extent the park is intended to be owned by the Village). Ancillary items necessary to construct the public improvements such as traffic control are also considered Public Improvements.**

**Private Improvements. Improvements to private property of which improvements are not intended to be owned by the Village. Examples of Private Improvements include, but are not limited to, improvements of a principal building on the private property, accessory structures, private pools, fences, and neighborhood parks (when the park is not intended to be owned by the Village). Such improvements are not subject to the surety requirements.**

*Roadway.* The paved area within a street right-of-way intended for vehicular traffic, including all curb and gutter facilities.

*Soil characteristics.* Soil characteristics are properties used to define or rate a given soil map unit. Characteristics may include, but are not limited to the following:

Soil Color. Munsell Soil Color Chart.

Soil Consistence. Expressed as the degree and kind of cohesion and adhesion or by the resistance to deformation or rupture.

Soil Drainage. The rapidity and extent of the removal of water from the naturally occurring, undisturbed soil. Soil drainage, as a condition of the soil, refers to the frequency and duration of periods when the soil is free of saturation or partial saturation.

Soil Structure. Refers to the aggregation of primary soil particles into compound particles, or clusters of primary particles, which are separated from adjoining aggregates by surfaces of weakness. The exteriors of some aggregates have thin, often dark-colored, surface films which perhaps help to keep them apart. Other aggregates have surfaces and interiors of like color, and the forces holding the aggregates together appear to be wholly internal. (USDA Soil Survey Manual). More detailed information can be obtained from the Boone County Soil and Water Conservation District.

Suitable Soil. A soil map unit or area of soil that in its natural, undisturbed condition has favorable characteristics for the use intended. The Soil Survey for Boone and Winnebago Counties describes soil characteristics that are favorable or unfavorable for many uses. Consulting this reference and associated update sheets for information concerning a specific use or soil type is recommended. Information found in the United States Department of Agriculture's Soil Conservation Service Soil Survey is subject to change based on more detailed, site specific, soils information. More detailed information can be obtained from the Boone County Soil and Water Conservation District.

Texture. Refers to the relative proportions of the various size groups of individual soil grains in a mass of soil. Specifically, it refers to the proportions of clay, silt, and sand below two millimeters in diameter.

**Special Improvements. Improvements to private property of which improvements are not intended to be owned by the Village after development is complete, but which impact public property. Examples of Special Improvements include, but are not limited to, detention/retention ponds, grading of private property, and any improvement to private property which impact public property or systems. Such**

**improvements are subject to the surety requirements as determined by the Village Board at the time of preliminary plat approval.**

3. Section 9-3-5 “Completion and Maintenance of Improvements” of the Code of Ordinances for the Village of Poplar Grove, shall be and hereby is amended, to read as follows (deletions shown as ~~striketroughs~~ and new language as **bold** and **underlined**):

**“9-3-5. - COMPLETION AND MAINTENANCE OF IMPROVEMENTS.**

- A. All of the necessary **Public and Special I** improvements (**as defined in Section 9-2-2**) as described in the final plat shall be completed within two years from approval of said plat. The subdivider shall in all cases be responsible for the maintenance of all **Public and Special I** improvements for one year following their construction and acceptance by the Village. The subdivider, to ensure the satisfactory completion of all required **Public and Special I** improvements and to ensure the maintenance of the same, for one year following construction and acceptance by the Village, and conditioned upon completion of said **Public and Special I** improvements, shall do one of the following:
1. Deposit with the Village Clerk cash in an amount equal to 125 percent (**125%**) of the final estimate of the cost of construction of all said **Public and Special I** improvements, as certified by the Village Engineer; or
  2. Deposit with the Village Clerk a duly executed, irrevocable letter of credit, in a form approved by the Village from a financial institution in good standing in the United States Of America and located in and authorized to do business in the state of Illinois, which shall name the Village of Poplar Grove as a beneficiary and shall be in effect for a minimum period of two years from the approval date of the final plat and shall remain in full force and effect until the Village of Poplar Grove is notified at least **ninety (90)** days prior to any expiration date. The amount of said irrevocable letter of credit shall be equal to 125 percent (**125%**) of the final estimate of construction cost for all proposed **Public and Special I** improvements as certified by the Village Engineer, and shall ensure the satisfactory completion of all **Public and Special I** improvements, including as built drawings and landscaping and ensure maintenance thereof as provided above; or
  3. Deposit with the Village Clerk a duly executed completion bond, with corporate surety, to be approved by the Village Board and filed with the Village Clerk, in an amount equal to 125 percent (**125%**) of the final estimate of the cost of construction of all said **Public and Special I** improvements as certified by the Village Engineer. Any bond submitted shall have a good and sufficient security thereon, and if provided by an insurance company, the insurance company must have a current rating of A++ or A+ as rated by the A.M. Best rating company. Any bond or instrument provided must be issued by a business licensed to do business in the state of Illinois, and redeemable in the state of Illinois.
- B. During construction of the **Public and Special I** improvements, the security deposit guaranteeing the satisfactory completion of said **Public and Special I** improvement may be periodically reduced upon approval of the Village Board. However, the remaining security deposit amount shall never be less than 125 percent (**125%**) of the estimated cost of the **Public and Special I** improvements remaining to be completed as

determined by the Village Engineer plus ten percent **(10%)** retainage of the final estimated **Public and Special I**mprovement construction cost retained for maintenance of said **Public and Special I**mprovements. **Developer must produce a lien waiver(s) in order to lower the value of surety required.**

- C. Upon completion of said **Public and Special I**mprovements an amount equal to ten percent **(10%)** of the final estimate of the cost of construction of all said **Public and Special I**mprovements shall be retained by the Village for a period of one year following the acceptance of said **Public and Special I**mprovements by the Village to ensure the maintenance of said **Public and Special I**mprovements for said one year period.
- D. Any letter of credit or bond furnished as security to ensure satisfactory completion of all required **Public and Special I**mprovements shall be subject to final approval by the Village Board.”

4. Except as amended by this Ordinance, all other provisions and terms of the Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

5. This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY \_\_\_\_\_

SECONDED BY \_\_\_\_\_

BY ROLL CALL VOTE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

AS FOLLOWS:

VOTING “AYE”: \_\_\_\_\_

\_\_\_\_\_

VOTING “NAY”: \_\_\_\_\_

\_\_\_\_\_

ABSENT, ABSTAIN, OTHER \_\_\_\_\_

\_\_\_\_\_

APPROVED \_\_\_\_\_, 2026

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PRESIDENT

ATTEST:

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VILLAGE CLERK