

CHAPTER 33

PUBLIC WORKS DEPARTMENT

ARTICLE I – DEPARTMENT ESTABLISHED

**33-1-1**     **DEPARTMENT ESTABLISHED.** There is hereby established a Department of the municipal government which shall be known as the **Public Works Department**. It shall embrace the Public Works Committee, the City Superintendent and the employees. **(See Superintendent's Job Description, Chapter 1; Sections 1-2-109; 1-2-110)**

**33-1-2**     **COMMITTEE ON PUBLIC WORKS.** The Public Works Committee shall recommend the policies and procedures of the Department; shall ascertain the condition and needs of the Department; shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the Department.

**33-1-3**     **PUBLIC WORKS DEPARTMENT.** The Public Works Department is made up of the City Street, Sewer, Water, Gas and Electric Departments, the latter **four (4)** departments being known collectively as the Utilities Department. The regulations of the Street Department are found in **Chapter 33** of this Code and the regulations of the Utilities Department are found in **Chapter 38** of this Code.

**33-1-4**     **LIABILITY INSURANCE.** Whenever liability insurance is required under **Chapter 33** of this Code, unless otherwise stated, the applicant for a permit shall post with the City proof of liability insurance in a minimum amount of **Three Hundred Thousand Dollars (\$300,000.00)** combined single limit and shall name the City as an additional insured. Further, all permits issued under this **Chapter 33** shall require the applicant to hold the City free, harmless and indemnified in the event of any harm to person, including death and/or property caused by or resulting from the project for which the permit was issued.

**(Ord. No. 1051; 01-05-04)**

**ARTICLE II - GENERAL STREET REGULATIONS**

**33-2-1**     **UNDERMINING.** No person shall undermine in any manner, any street or any other ground or real estate situated in the City or belonging to any private person.

**33-2-2**     **OPEN DOORS.** No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the City for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

**33-2-3**     **REPAIRING SIDEWALKS, ETC.** Whenever any sidewalk, pavement, or cellar door on the same becomes worn out or out of repair, or is torn up or broken and uneven, it shall be the duty of the City Superintendent to immediately report such fact to the Mayor or Public Works Committee, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay. **(Ord. No. 1051; 01-05-04)**

**33-2-4**     **STAIRWAY - RAILING.** Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

**33-2-5**     **CLOSING STREET.** Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

**33-2-6**     **SIGNS ACROSS STREET.** No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the City, unless he has written approval of the City Council. **(Ill. Rev. Stat., Ch. 24; Sec. 11-80-17)**

**33-2-7**      **VEHICLES ON SIDEWALKS.** No person shall operate any bicycle or vehicle over any sidewalk, except in crossing the same to go into a yard or parking lot.

**33-2-8**      **DEPOSITS ON SIDEWALKS.** It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than **four (4) feet**; and provided that no such article shall remain on such walk for more than **thirty (30) minutes**.

**33-2-9**      **OBSTRUCTING STREET.**

(A)            It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, or any grass clippings, or to cause a lawn mower to blow grass clippings onto a street or any other articles such as glass which may cause injury to any person, animal or property.

(B)            No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the City, any debris, materials, or obstruction, except as may be permitted by this Code.

(C)            It shall be the duty of the Police Department to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once.

**33-2-10**      **RAINWATER DRAINS.** It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the City Collector and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the City Superintendent and no such permit shall be issued unless he shall have found that the City Code would be complied with by the installation of such storm water drain or drainage pipe and that the installation of such storm water drain or drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the City.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the City and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than **eighteen (18) inches** above the ground or pavement.

**33-2-11 BUILDING MATERIALS IN STREET.** The City Superintendent may move any obstruction on any street or sidewalk of the City, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than **one-half (1/2) of the width** of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material.

**33-2-12 MERCHANDISE ON PUBLIC STREET.** It shall be unlawful for any person, firm or corporation to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the City Council.

**33-2-13 ENCROACHMENTS.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

**33-2-14 POSTING BILLS.** It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door or gate without the consent, in writing, of the owner of such curbstone, flagstone, sidewalk, tree, lamppost, utility pole, hydrant, private wall, door or gate.

**33-2-15 SIGNS ON POLES.** No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and/or fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

**33-2-16 INJURY TO NEW PAVEMENTS.** It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

**33-2-17 BARBED-WIRE FENCES.** It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere within **fifty (50) feet** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **six (6) feet** above the level of such public place.

**33-2-18 BURNING ON PUBLIC STREETS.** It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the City.

**ARTICLE III - TREES AND SHRUBS**

**33-3-1 PLANTING.** It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the City Superintendent and shall be referred by him to the City Council. All trees and shrubs so planted shall be placed subject to the directions and approval of the City Council.

**33-3-2 PLANTING TREES IN RIGHT-OF-WAY.** It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement.

**33-3-3 REMOVAL.** It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the City Superintendent and shall be referred by him to the City Council before permission shall be granted.

**33-3-4 INJURY.** It shall be unlawful to injure any tree or shrub planted in such public place.

**33-3-5 ADVERTISEMENTS OR NOTICES.** It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

**33-3-6 DANGEROUS TREES.** Any tree or shrub which overhangs any sidewalk, street or other public place in the Municipality at a height less than **eight (8) feet** or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The City Superintendent may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

**33-3-7**      **WIRES.** It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the City Council.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the Municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the City Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

**33-3-8**      **GAS PIPES.** Any person or company maintaining any gas pipe in the Municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

## ARTICLE IV - EXCAVATIONS

**33-4-1 GRADING AND IMPROVING.** All grading and improving of the streets, alleys, avenues and public places within the City shall be done at the general expense of the City, to be paid for as provided by law. Provided that sidewalks shall be built and paid for by the adjoining property owners except in such cases as the City may hereafter, by ordinance or other lawful manner, provide to the contrary.

**33-4-2 PAVING, MACADAMIZING, ETC.** If the City Council deems it necessary to macadamize, pave, curb, gutter or otherwise improve any street, alley, avenue or public place, the same shall be referred to the Public Works Committee. Such committee shall examine the proposed improvements, make an estimate as to the probable need and cost thereof, and report the same with the proper specifications and recommendations to the City Council for action thereon. **(Ord. No. 1051; 01-05-04)**

**33-4-3 EXCAVATIONS ON STREETS.** No person, firm or corporation shall make any excavation in or upon any street or alley or other public place in this City, or in any manner dig up the same, unless such person or persons shall have first obtained a permit from the City Collector which shall be in the form shown on **Appendix "A"** of this Chapter. The application filed by the customer or his agent shall hold the City free, harmless and indemnified against all damages to person or property resulting from or caused by such excavation. The application shall bind such customer and his agent to speedily complete such work and restore the street by filling the excavation with crushed rock only and pay **Five Dollars (\$5.00)** per square foot to City for the damaged area to a permanent street and **One Hundred Dollars (\$100.00)** for the damaged area to an oil and chipped street up to **one hundred (100) square feet** and **One Dollar (\$1.00)** per square foot if the damaged area is larger. The damaged area shall be estimated and paid with application and the balance, if any, shall be determined by the Superintendent and paid by the applicant following construction. **(Ord. No. 1093; 03-07-05)**

**33-4-4 DAMAGING STREETS, DRAINS, WALKS, ETC.** No person shall willfully dig into, tear up, break, deface, or otherwise damage any street, alley, sidewalk, pavement, crosswalk or the surface of the earth of any public grounds within this City, or shall break, obstruct or carry away any part of any sewer or drain in this City, or any curb, gutter or watercourse.

**33-4-5**     **EMINENT DOMAIN.**   The City may, at any time, purchase or condemn any private land necessary for public use in the opening, widening or altering of any street, alley or public improvement in the City, upon such terms and in such manner as is provided by the statutes and laws of the State of Illinois.

**33-4-6**     **FENCING, ETC., EXCAVATIONS.**   No person shall, within the limits of the City, dig or cause to be dug, any excavation in, by, under or through any sidewalk, highway, street, alley, thoroughfare or other public place without the consent of the Superintendent, and shall not, while so digging or causing the same to be dug, and for so long after the excavation is finished as shall be necessary, keep the same fenced or enclosed with a good and sufficient fence or guard, and also a red light during the nighttime so as to prevent persons, or animals or vehicles from falling into such excavations.

**33-4-7**     **LIABILITY OF PERSONS TO CITY FOR DAMAGES.**   If any person violates any provision of this Code and any person or property in consequence thereof is injured or damaged, the person so guilty of such violation shall be liable to the City in relation thereto, and no prosecution or other proceeding by the City of such person for any penalty imposed for a violation shall constitute a bar to such action by the City for such damages.

**(Ill. Rev. Stat., Ch. 24; Secs. 11-80-1 through 11-80-23)**

**ARTICLE V - STREET IMPROVEMENTS**

**33-5-1      SIDEWALKS.**

(A)      **Grade.** No sidewalk shall be built above or below the established grade of the City and in all cases where no grade is established, any person building a sidewalk shall build the same according to the instructions of the City Superintendent.

(B)      **Permit.** It shall be unlawful for any person to build, lay or construct any sidewalk along any property in the City or along any of the streets, alleys, or public highways thereon, without first obtaining permission from the City Superintendent to do so.

(C)      **Cost to Owner.** If the funds are available and the City Council approves the request, the property owner shall pay the cost of the concrete and thereafter, the sidewalk shall be constructed by the City. The cost of construction shall not include any engineering fees; these shall be paid by the City.

(D)      **Subdivisions.** This Section is not applicable to new subdivisions.  
**(Ill. Rev. Stat., Ch. 24; Sec. 11-80-13)**

**33-5-2      CURBS AND GUTTERS.**

(A)      **Request in Writing.** Any person owning property within the City who desires to have new curbs and gutters constructed along the street adjoining his premises shall file a request with the City Superintendent, giving the location of the property and the length of the curbs and gutters requested.

(B)      **Cost to Owner.** If the funds are available and the City Council approves the request, the property owner shall pay **one half (1/2)** of the cost of the construction and thereafter, the curb and gutter will be constructed by the City. The cost of construction shall not include any engineering fees; these shall be paid by the City.

(C)      **Approval by City Council.** The approval of the request for construction of curbs and gutters by the City Council shall be dependent upon the approval of funds, priority of projects and continuity of construction for the best benefit of the City as determined by the City Council.

(D)      **Subdivisions.** This Section is not applicable to new subdivisions.  
**(Ill. Rev. Stat., Ch. 24; Sec. 11-80-13)**

**33-5-3      STORM SEWERS.**

(A)      **Description of Storm Water Sewers.** Storm water sewers shall be any pipe or sewer used for the carrying of surface drains, ground waters, roof leaders, or storm waters, rain waters, or other waters other than sanitary sewage.

(B) **Supervision.** The Superintendent shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.

(C) **Permits.** Before any connection is made to the public storm water sewers, a permit shall be applied for and approved by the Superintendent or his designated representative.

(D) **Requirements; Use of Storm Water Sewers.** Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders, or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the City. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters, ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system.

**ARTICLE VI - CULVERTS**

**33-6-1**     **OBSTRUCTION OF DRAIN OR STORM SEWER.** It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

**33-6-2**     **PERMIT FOR CULVERT.** It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the City Collector following approval by the City Superintendent. The permit application and permit shall be as shown in **Appendix "B"** to **Chapter 33**. An application fee of **Twenty-Five Dollars (\$25.00)** shall be paid to the City Collector at time of filing. (**Ord. No. 1051; 01-05-04**)

**33-6-3**     **APPLICATION FOR PERMIT.** Any person desiring a permit to install or replace any culvert shall file an application therefor with the City Collector upon a form to be provided for that purpose. The application and the permit issued pursuant thereto shall be on the same form which shall be substantially as outlined in **Appendix "A"** attached hereto.

**33-6-4**     **TERMINATION OF PERMIT.** All such permits shall terminate upon the expiration of **one (1) year** following the date of issue.

**33-6-5**     **TYPE OF CULVERT.** Culverts shall be installed where driveways or walkways cross open ditches. The material used for the construction of the culverts shall be reinforced concrete, corrugated steel culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, corrugated aluminum alloy culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, or of such other material as determined by the City Superintendent, depending upon the conditions existing. The culverts shall be of such size, installed at the grade and constructed with couplings as determined by the City Superintendent. The person desiring the culvert shall purchase a culvert as provided herein and shall have it delivered on the site. The City shall install the culvert. (**Ord. No. 1051; 01-05-04**)

**33-6-6**     **COST OF INSTALLATION.** Any person installing or replacing a culvert shall, at his own expense, construct and install drainage inlet boxes in such form and manner as the City Superintendent determines necessary depending on the conditions existing.

**33-6-7**      **BACKFILL COST.** Any person installing or replacing a culvert shall, at his own expense, provide and place such backfill material as the City Superintendent determines necessary to complete the project.

**33-6-8**      **REPLACEMENT COST.** The expense of replacing any culvert shall be borne by the person making application for the permit to install the same.

## ARTICLE VII - DRIVEWAYS

**33-7-1**     **PERMITS REQUIRED.** No person shall construct a driveway for vehicles across any sidewalk in the City without having first obtained a permit therefor, per permit application shown in **Appendix "C"** of this **Chapter 33**.

Applications for such permits shall be made to the City Collector and shall be accompanied by the fee required.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served shall be issued except upon authorization by the City Superintendent. **(Ord. No. 1343; 09-08-15)**

**33-7-2**     **FEE.** The fee for the above permit shall be **Twenty-Five Dollars (\$25.00)**. **(Ord. No. 1051; 01-05-04)**

**33-7-3**     **GRADE SURFACE.** No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

**33-7-4**     **SPECIFICATIONS.** Driveways across sidewalks shall be constructed in compliance with the specifications required by the City Superintendent.

**33-7-5**     **REPAIR.** It shall be the duty of the person maintaining the driveway to keep the same in good repair where it crosses the sidewalk and free from obstruction and openings.

## ARTICLE VIII - SNOW REMOVAL

**33-8-1** **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Article.

**"BUSINESS DAY"** is any day not a Saturday, Sunday or a National Holiday.

**"BUSINESS DISTRICT"** shall include all those areas zoned for business, commercial and industrial purposes in the Zoning Code and accompanying map as amended or other applicable regulations.

**"BUSINESS HOURS"** are the hours between **8:00 A.M. and 5:00 P.M.** on any business day.

**"ROADWAY"** means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**"SIDEWALK"** means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

**"STREET" OR "HIGHWAY"** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

### **33-8-2 SNOW AND ICE TO BE REMOVED FROM SIDEWALKS BY PRIVATE PERSONS.**

(A) Every person in charge or control of any building or lot of land within the City fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path from so much of a sidewalk as is in front or abuts on said building or lot of land. Snow and ice shall be so removed from sidewalks in all business districts within the City by **twenty-four (24) hours** after cessation of any fall of snow, sleet or freezing rain. The path required to be cleared in the business district shall be **six (6) feet** in width, or the whole width of the sidewalk, whichever is smaller.

(B) However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (A) above, cause enough sand, cinders or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path on said sidewalk of at least **six (6) feet** in width to be thoroughly cleaned.

**33-8-3**      **DEPOSITING OF SNOW AND ICE RESTRICTED.** No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts.

**33-8-4**      **MAYOR'S AUTHORITY.** The Mayor is hereby authorized on behalf of the City to cause sidewalks to be cleared upon the request of the person or entity charged with snow and ice removal. Any person or entity whose sidewalk is cleared pursuant to this Section shall reimburse the City for the costs of such clearing.

## ARTICLE IX - MOVING BUILDINGS

**33-9-1**     **PERMIT REQUIRED.** It shall be unlawful for any person to move or cause to be moved, any building in, into, through, or from the City without first obtaining a permit therefor from the City Collector following application for same per **Appendix "D"** which is attached hereto and incorporated herein. Such permit shall be known as a "Structure Moving Permit" per **Appendix "E"** which is attached hereto and incorporated herein. **(Ord. No. 1051; 01-05-04)**

**33-9-2**     **APPLICATION FOR PERMIT.** Any person desiring such a permit shall file with the City Collector an application therefor in writing on a form to be furnished for that purpose. Such application shall specify the following:

- (A)           The character and size of the building to be moved;
- (B)           The reason for such moving;
- (C)           The use, purpose and occupancy for which said building or structure is to be used;
- (D)           The location from which and to which said building is to be moved;
- (E)           A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the City;
- (F)           The streets on, over or through which it is desired to move said building;
- (G)           Whether the building conforms to the Zoning Code or other applicable regulations in the location to which it is to be moved.

**33-9-3**     **INVESTIGATION.** Upon the filing of the application, the City Superintendent shall cause the Zoning Administrator, or other authorized representative of the City, to investigate the building and report to him the results of such investigation, together with recommended action thereon.

**33-9-4**     **DENIAL OF PERMIT.** No permit shall be issued to move any building or structure which, in the opinion of the City Superintendent:

- (A)           Is so constructed or in such condition as to be dangerous;
- (B)           Is infested with pests or unsanitary;
- (C)           If it is a dwelling or habitation, is unfit for human habitation;
- (D)           Is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of **one thousand (1,000) feet** from the proposed site;
- (E)           If the proposed use is prohibited by the Zoning laws of the City;

(F) If the structure is of a type prohibited at the proposed location by any ordinance of the City; or

(G) If the moving of the building or structure causes unreasonable damage to the trees, plants and/or shrubs on and along the public streets.

Provided, however, that if the condition of the building or structure, in the judgment of the City Superintendent, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.

**33-9-5 TERMS AND CONDITIONS OF PERMIT.** When a house moving permit is granted, such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to the public streets or other public property in the City on, over, or through which the building or structure shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.

**33-9-6 ESTIMATE OF COST AND DEPOSIT.** The applicant shall also deposit with the City Collector a cash deposit sufficient to cover the cost to the City as estimated by the City Superintendent of trimming, moving, removing or replanting of trees or shrubs, and of moving, removing and displacing any pole or other structure, supporting any wires, cables or other equipment belonging to the City or the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the City.

**33-9-7 LIABILITY INSURANCE.** Every person moving a building in the City shall file with the City Collector a liability insurance policy or a certificate of insurance issued by the solvent corporation holding a certificate of authority to do insurance business in the State, which policy shall conform in all respects to the requirements of this Section.

The liability policy required under this Section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of any person, or damage to any property growing out of the moving of such building to the amount or limit of **One Million Dollars (\$1,000,000.00)** exclusive of interest and costs, on account of injury to or death of any **one (1) person**, of **Two Million Dollars (\$2,000,000.00)** exclusive of interest and costs, on account of moving any **one (1) building** resulting in injury to or death of more than **one (1) person**, and of **One Million Dollars (\$1,000,000.00)** for damage to property of others, resulting from moving any **one (1) building**. (Ord. No. 1051; 01-05-04)

**33-9-8 OWNER'S COMPLETION BOND OR SAVINGS AND LOAN CERTIFICATE AND SHARE.** Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the Zoning Administrator or other authorized representative of the City, a corporate surety bond, conditioned as follows:

That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the permit shall be fully performed and completed within a reasonable time to be specified in the permit by the Zoning Administrator, or other authorized representative of the City. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done, plus **ten percent (10%)** thereof, and shall name the City as obligee, and shall be in a form approved by the City Attorney.

In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond.

An extension of time for the completion may be granted in writing by the Zoning Administrator or other authorized representative of the City when, in his discretion, circumstances shall so justify, but no such extension shall release any surety or other security.

**33-9-9 CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED.** Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the City Collector a bond or other form of security in favor of the City, conditioned as follows:

(A) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipe lines that are to be disconnected from the building may be securely capped and sealed.

(B) Immediately after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(C) Within **ten (10) days** after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

- (1) Securely close and seal any sanitary piping located on the property.
- (2) Fill with dirt or sand any septic tanks or cesspools located on the property.
- (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the City Superintendent.
- (4) Remove any buried underground tanks formerly used for storage of flammable liquids.

- (5) Remove all refuse, debris and waste materials from the property.

The bond required by this Section shall be an amount equal to the cost of the work proposed to be done, as estimated by the City Superintendent.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted by the City Superintendent when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this Section.

**33-9-10 INSPECTION FEE AND PERMIT FEE.** An inspection fee in the sum of **Fifteen Dollars (\$15.00)** shall be paid to the City Collector upon filing of each application for a house moving permit.

A permit fee in the sum of **Ten Dollars (\$10.00)** shall be paid to the City Collector upon the issuance of each house moving permit.

**33-9-11 ISSUANCE OF PERMIT.** The City Superintendent shall approve the issuance of a house moving permit when all the necessary requirements and conditions of this Article have been complied with. It shall then be the duty of the City Collector to issue the permit.

**33-9-12 SUSPENSION OR REVOCATION OF PERMIT.** The City Superintendent, at any time, and for sufficient cause, may revoke or suspend any permit granted under this Article.

**33-9-13 CONTROL AND SUPERVISION.** Every building which is moved on, over, or through any public street, way or park in the City shall be under the control of the City Superintendent and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of the City Superintendent. This Section in no way relieves the person having charge of the moving of any building of his obligation to furnish proper supervision.

**33-9-14 NOTICE REQUIRED.** Notice must be given to both the Street Department and the Police Department of the City by the person or his representative to whom the permit is issued not less than **forty-eight (48) hours** nor more than **seventy-two (72) hours** before the actual work of moving a building or structure is to commence.

**33-9-15**     **DEFAULT IN PERFORMANCE OF CONDITIONS.** Whenever a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee by the City Superintendent; said notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done, or pay over to the City Collector the estimated cost of doing the work, as set forth in the notice, plus **ten percent (10%)** of said estimated cost. Upon receipt of notice from the City Collector that the permittee has deposited such money, the City Superintendent shall cause the required work to be performed and completed.

If the permittee defaults, the City shall have the option in lieu of completing the work required to demolish the building or structure and to clear, clean and restore the site or sites.

**33-9-16**     **APPROVAL OF ROUTE.** The streets over which any building or structure is to be moved must be approved by the City Superintendent and the Chief of Police.

**33-9-17**     **OBSTRUCTING STREETS.** No person owning or having charge of the moving of any building into, on, over, through, or from any public streets, ways or parks in the City shall permit said building to remain in any one location on any such street, way or park for a period longer than **twenty-four (24) hours**, except by written permission obtained from the Chief of Police, or to obstruct traffic on any railroad.

**33-9-18**     **LIGHTS AND BARRICADES.** The person having charge of the moving of any structure shall maintain proper lights and barricades whenever such structure is on any public street, way or park during the hours of darkness.

**33-9-19**     **WIRES AND STRUCTURAL SUPPORTS.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public utility or of the City, or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted, or his authorized representative, shall obtain permission in writing from the owner or owners of such pole, structure or wires, cables or other equipment thereon, and shall notify such owner or owners at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of said time of notice or at any time, cut, move or in any way disturb such public utility or City property; and such work shall be done only by the authorized workmen of the utility or the City, whichever is the owner.

The person to whom the permit is granted shall pay to the public utility, or to the City, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

**33-9-20 TREES, PLANTS AND SHRUBS.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the City, the person to whom such permit has been granted or his authorized representative shall notify the City Superintendent at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of the time of notice, or at any time, trim, move, remove, replant, or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the City unless otherwise approved and so ordered by the City Superintendent.

The person to whom the permit is granted shall pay to the City, any and all costs or expenses for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.

**33-9-21 REPAIRS TO PUBLIC PROPERTY.** In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the City may have, the City Superintendent may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or he may require the person to whom such a permit has been granted, or his authorized representative, upon written notification from the City Superintendent to make all necessary repairs to such streets or property; provided, however, that should the person to whom the permit has been granted and to whom the notice has been given, or his authorized representative, fails to make the necessary repairs within the period of time designated in the written notice, the City Superintendent may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

**33-9-22 REFUNDING OF DEPOSITS.** When the moving of any building for which a permit has been granted is completed, and all damage to public streets or other public property has been repaired to the satisfaction of the City Superintendent,

and all costs of repairing damages or performing other work as provided herein have been paid and the deposit as required by **Section 33-9-6**, or such portion thereof then remaining unused under the provisions of this Article, shall be refunded upon surrender of the deposit receipt representing the money so deposited. However, should the cost of repairing damages and/or performing other work, as in this Article provided, exceed the total amount of money deposited, the person to whom the permit was granted shall be held liable for the amount of damage and/or other costs which are in excess of the amount deposited. It shall be the duty of the City Collector, upon receipt of the request from the City Superintendent, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.

APPENDIX "A"

CITY OF RED BUD, ILLINOIS
APPLICATION FOR PERMIT TO DIG IN CITY STREET
(33-4-3 OF CITY CODE)

I, or We, \_\_\_\_\_ (Applicant) hereby make application for permission to dig in a City Street at the following location: \_\_\_\_\_

Digging being done for the purpose of: \_\_\_\_\_

Applicant's telephone number and address \_\_\_\_\_

I, or We agree to comply with all rules, regulations and deposits of the City of Red Bud ("City"), if application is approved, and further understand that:

- 1. The applicant shall do all work, pay all costs, and shall complete project in a reasonable length of time.
2. In performing this work the applicant shall not interfere with, or obstruct traffic unreasonably on said street or alley.
3. That the applicant and/or his agent, shall assume all risk and liability for accidents and damages that may occur to persons or property resulting from this work. Applicant hereby holds City free, harmless and indemnified in regard to all damages to person and/or property caused by this project.
4. A non-refundable payment of \$\_\_\_\_\_ shall be made before any excavating work commences based on the following schedule:
a. Permanent Street - \$15.00 per square foot.
b. Oil and Chipped Street - \$100.00 for the first 100 square feet and \$1.00 per square foot thereafter.
5. All trenches in street or alley must be backfilled with Grade 8 stone.
6. On completion of Item 5, applicant shall contact the City Superintendent for inspection of project and final determination of the size of the damaged area. If the damaged area is larger than the area for which the deposit was paid, Applicant shall promptly pay the balance due upon billing by City.
7. Applicant shall provide proof of insurance for a combined single limit liability policy in the minimum amount of \$300,000.00 which names the City as an additional insured.

The above provisions are hereby understood and accepted this \_\_\_\_\_ day of \_\_\_\_\_

Signature of City Superintendent Applicant
Date

APPENDIX "B"

CITY OF RED BUD, ILLINOIS
APPLICATION FOR CULVERT PERMIT
(33-6-2 OF CITY CODE)

I (We) \_\_\_\_\_, do hereby request permission and authority to construct a culvert on the right-of-way of the City in accordance with the information provided in this application and the accompanying sketch. (Applicant must prepare a sketch showing location, length and pertinent details.)

ADDRESS: \_\_\_\_\_
Pipe material will be: \_\_\_\_\_
Wall thickness or gauge will be: \_\_\_\_\_
Type of joint will be: \_\_\_\_\_
Application fee of \$25.00 paid (not paid).
Requested installation date: \_\_\_\_\_

Applicant states that all owners of the real estate that is benefited by the culvert have (has) signed this application. Applicant(s) hereby hold City free, harmless and indemnified in regard to injury or death to or of person and damage to property caused by this project. Applicant(s) has posted the required insurance which names the City as an additional insured.

Signed \_\_\_\_\_

Signed \_\_\_\_\_
Applicant(s)

CULVERT PERMIT

APPLICATION

Approved ( )

Disapproved ( )

If disapproved, state reasons:

\_\_\_\_\_

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_
City of Red Bud, Illinois

CERTIFICATION

The undersigned has inspected the construction and installation set forth above and finds that the same (is) (is not) in accordance with the permit. If not, see reverse side for reason(s). Additional culvert fee of \$\_\_\_\_\_ is required based on side of damage to street.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_
Superintendent, City of
Red Bud, Illinois

APPENDIX "C"

CITY OF RED BUD, ILLINOIS
APPLICATION FOR DRIVEWAY PERMIT
(33-7-1 OF CITY CODE)

I (We) \_\_\_\_\_, do hereby request permission and authority to construct a driveway on the right-of-way of the City in accordance with the information provided in this application and the accompanying sketch. (Applicant must prepare a sketch showing location, length and pertinent details.)

ADDRESS: \_\_\_\_\_
Material will be: \_\_\_\_\_
Thickness will be: \_\_\_\_\_
Installation date: \_\_\_\_\_
Application fee of \$25.00 paid (not paid) \_\_\_\_\_

Applicant states that all owners of the real estate that is benefited by the driveway have (has) signed this application. Applicant(s) hereby hold City free, harmless and indemnified in regard to injury or death to or of person and damage to property caused by this project.

Signed \_\_\_\_\_

Signed \_\_\_\_\_
Applicant(s)

DRIVEWAY PERMIT

APPLICATION

Approved ( )

Disapproved ( )

If disapproved, state reasons:

\_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

City of Red Bud, Illinois

CERTIFICATION

The undersigned has inspected the construction and installation set forth above and finds that the same (is) (is not) in accordance with the permit. If not, see reverse side for reason(s).

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Superintendent, City of
Red Bud, Illinois

APPENDIX "D"

CITY OF RED BUD, ILLINOIS  
STRUCTURE MOVING APPLICATION  
(33-9-2 OF CITY CODE)

Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

Owner of Structure \_\_\_\_\_  
Address of Structure \_\_\_\_\_ Zone District \_\_\_\_\_  
Proposed Location \_\_\_\_\_ Zone District \_\_\_\_\_

Kind of Structure \_\_\_\_\_  
Size of Structure \_\_\_\_\_  
Estimated Moving Date \_\_\_\_\_  
Reason for Moving Structure \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Use/Purpose of Structure \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Note: Zoning Restrictions May Apply)  
Zoning Occupancy Application Attached: Yes \_\_\_\_\_ No \_\_\_\_\_  
(Including Plot Plan)

Proposed Route (Streets) To Be Traveled \_\_\_\_\_  
\_\_\_\_\_

Applicant(s) state(s) that all owners of the structure to be moaved and all owners of the real estate on which the structure will be located have signed this application. Further, applicant(s) hold City free, harmless and indemnified in regard to any injury or death to or of any person and damage to property caused or resulting from this project.

Name of Mover \_\_\_\_\_  
Address of Mover \_\_\_\_\_  
City – Phone \_\_\_\_\_

Superintendent's Estimated Deposit for Removal of Utilities, Trees, Etc. \$ \_\_\_\_\_  
Has Liability Insurance Policy Naming City as an Additional Insured  
    Been Filed? \_\_\_\_\_ Amount \$ \_\_\_\_\_  
Have Fees Been Paid? \_\_\_\_\_ Amount \$ \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Applicant(s)

APPENDIX "E"

CITY OF RED BUD, ILLINOIS  
STRUCTURE MOVING PERMIT  
(33-9-1 AND FOLLOWING OF CITY CODE)

Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

Owner of Structure \_\_\_\_\_  
Address of Structure \_\_\_\_\_ Zone District \_\_\_\_\_  
Proposed Location \_\_\_\_\_ Zone District \_\_\_\_\_

Kind of Structure \_\_\_\_\_  
Size of Structure \_\_\_\_\_

Reason for Moving Structure \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Use/Purpose of Structure \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Note: Zoning Restrictions May Apply)  
Zoning Occupancy Application Attached: Yes \_\_\_\_\_ No \_\_\_\_\_  
(Including Plot Plan)

Proposed Route (Streets) To Be Traveled \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Mover \_\_\_\_\_  
Address of Mover \_\_\_\_\_  
City – Phone \_\_\_\_\_

Superintendent's Estimated Deposit for Removal of Utilities, Trees, Etc. \$ \_\_\_\_\_  
Has Liability Insurance Policy Naming City as an Additional Insured  
    Been Filed? \_\_\_\_\_ Amount \$ \_\_\_\_\_  
Have Fees Been Paid? \_\_\_\_\_ Amount \$ \_\_\_\_\_

\_\_\_\_\_  
Zoning Official

\_\_\_\_\_  
City Collector

\_\_\_\_\_  
City Superintendent