

CITY OF LINCOLN
COMMITTEE OF THE WHOLE MEETING
AGENDA
NOVEMBER 14, 2023
CITY HALL COUNCIL CHAMBERS
7:00PM

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Public Participation**
- 4. City of Lincoln 2024 Scheduled Holidays.**
- 5. City of Lincoln Scheduled Meetings for 2024 Calendar Year.**
- 6. Economic Development Grant – Heads R Turning/Thomas Fleshman at 121 S. Sheridan Street, ten (10) Pocket Replacement Windows.**
- 7. Ordinance Amending the Entirety of Title VIII.**
- 8. Announcements**
- 9. Possible Executive Session**
- 10. Adjournment**
- 11. Upcoming Meetings:** City Council Meeting: Monday, November 20, 2023 at 7:00 PM
Committee of the Whole Meeting: Tuesday, November 28, 2023 at 7:00 PM

TRACY WELCH
MAYOR

PEGGY S. BATEMAN
CITY CLERK

CHARLES N. CONZO
CITY TREASURER

JOHN A. HOBLIT
CITY ATTORNEY



CITY OF LINCOLN, ILLINOIS

700 Broadway St., P.O. Box 509, Lincoln, IL 62656

Named for and Christened by Abraham Lincoln, 1853—Incorporated February 16, 1865
CITY COUNCIL MEETS FIRST AND THIRD MONDAY NIGHTS EACH MONTH

CITY OF LINCOLN 2024 HOLIDAYS

JANUARY 1 ST	MONDAY	NEW YEARS DAY
JANUARY 15 TH	MONDAY	MARTIN LUTHER KING
FEBRUARY 12 TH	MONDAY	LINCOLN'S BIRTHDAY
FEBRUARY 19 TH	MONDAY	PRESIDENT'S DAY
MARCH 29 TH	FRIDAY	GOOD FRIDAY
MAY 27 TH	MONDAY	MEMORIAL DAY
JUNE 19 TH	WEDNESDY	JUNETEENTH
JULY 4 TH	THURSDAY	INDEPENDENCE DAY
SEPTEMBER 2 ND	MONDAY	LABOR DAY
OCTOBER 14 TH	MONDAY	COLUMBUS DAY
NOVEMBER 11 TH	MONDAY	VETERAN'S DAY
NOVEMBER 28 TH	THURSDAY	THANKSGIVING
NOVEMBER 29 TH	FRIDAY	DAY AFTER THANKSGIVING
DECEMBER 25 TH	WEDNESDAY	CHRISTMAS DAY

Peggy S. Bateman
City Clerk

CITY COUNCIL

FIRST WARD
STEVE PARROTT
ROBIN MCCLALLEN

SECOND WARD
DAVID SANDERS
SAM DOWNS

THIRD WARD
KEVIN BATEMAN
WANDA LEE ROHLFS

FOURTH WARD
RHONDA O'DONOGHUE
CRAIG EIMER

TRACY WELCH
MAYOR

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CITY OF LINCOLN SCHEDULED MEETING FOR 2024 CALENDAR YEAR

REGULAR CITY COUNCIL MEETINGS @ 7:00 P.M.

January 2, 2024 (1st Holiday)
January 16, 2024 (15th Holiday)
February 5, 2024
February 20, 2024(19th Holiday)
March 4, 2024
March 18, 2024
April 1, 2024
April 15, 2024
May 6, 2024
May 20, 2024
June 3, 2024
June 17, 2024
July 1, 2024
July 15, 2024
August 5, 2024
August 19, 2024
September 3, 2024 (2nd Holiday)
September 16, 2024
October 7, 2024
October 21, 2024
November 4, 2024
November 18, 2024
December 2, 2024
December 16, 2024

COMMITTEE OF THE WHOLE MEETINGS @ 7:00 P.M.

January 9, 2024
January 23, 2024
February 13, 2024
February 27, 2024
March 12, 2024
March 26, 2024
April 9, 2024
April 23, 2024
May 14, 2024
May 28, 2024
June 11, 2024
June 25, 2024
July 9, 2024
July 23, 2024
August 13, 2024
August 27, 2024
September 10, 2024
September 24, 2024
October 15, 2024
October 29, 2024
November 12, 2024
November 26, 2024
December 10, 2024
December 23, 2024 (Christmas
Eve)

CITY COUNCIL

FIRST WARD
STEVE PARROTT
ROBIN MCCLALLEN

SECOND WARD
DAVID SANDERS
SAM DOWNS

THIRD WARD
KEVIN BATEMAN
WANDA LEE ROHLFS

FOURTH WARD
RHONDA O'DONOGHUE
CRAIG EIMER

MEMORANDUM

TO: Mayor and City Council Members
FROM: Ashley Metelko, Administrative Assistant
MEETING DATE: November 14, 2023
RE: Economic Development Commission Grant Approvals

Background:

On October 20, 2023, the Economic Development Grant Commission met and approved the following applications:

STRUCTURAL GRANTS:

1. Thomas Fleshman/Heads R Turning – 121 S Sheridan Street

- 10 Pocket Replacement Windows

Amount approved by Economic Development Commission on October 20, 2023: \$6,890.00

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ENTIRETY OF TITLE VIII

THIS ORDINANCE is made and adopted by the CITY COUNCIL OF THE CITY OF LINCOLN, LOGAN COUNTY, ILLINOIS, at a regular meeting held in the City Council Chambers in said City on the ____ day of _____, 2023, WITNESSETH:

WHEREAS, the CITY OF LINCOLN is a municipal corporation located in Logan County, Illinois; and

WHEREAS, the city code of the City of Lincoln has Chapter 8 titled “Public Ways and Property” which covers numerous areas within the City of Lincoln including, but not limited to, permitting for excavation, signs, trees, sidewalks, etc. etc.; and

WHEREAS, the City Council CITY OF LINCOLN has determined Chapter 8 is outdated to the extent that it has not be updated since it was initiated in 1960 and 1977 respectively; and

WHEREAS, the City of Lincoln desires to update their permitting process, update outdated references to offices or officers that no longer exist, update penalty clauses, etc. etc.; and

WHEREAS, the City of Lincoln believes it is in the best interest of the constituents of Lincoln that the code be updated to reflect modern standards;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the CITY COUNCIL OF THE CITY OF LINCOLN, as follows:

1. That Title 8 Chapter 2 of the Lincoln City Code be updated to reflect modern standards which will include updating the permit process for street breaks, update office/officer references to current standards, update penalty provisions, amongst other updates as listed in Exhibit A.
2. That Title 8 Chapter 3 of the Lincoln City Code be updated to reflect modern standards which will include updates to office/officer references to current standards, update penalty provisions, and other updates as listed in Exhibit A.
3. That Title 8 Chapter 4 of the Lincoln City Code be deleted and reserved for potential future us.

4. That Title 8 Chapter 5 of the Lincoln City Code shall be updated to reflect proper office/officer references along with updated penalty provisions. (See Exhibit A)

5. That Title 8 Chapter 6 of the Lincoln City Code shall be updated modern standards which will include updates to office/officer references to current standards, update penalty provisions, and other updates as listed in Exhibit A.

6. That Title 8 Chapter 7 of the Lincoln City Code shall be updated modern standards which will include updates to office/officer references to current standards, update penalty provisions, and other updates as listed in Exhibit A.

7. That Title 8 Chapter 8 of the Lincoln City Code shall be updated modern standards which will include updates to office/officer references to current standards, update penalty provisions, and other updates as listed in Exhibit A.

8. That Title 8 Chapter 9 of the Lincoln City Code shall be updated to reflect proper office/officers, updated penalty provisions, and other changes. (See Exhibit A)

9. That Title 8 Chapter 10 of the Lincoln City Code be updated only to the extent to change a penalty provision (See Exhibit A)

10. That Title 8 Chapter 11 of the Lincoln City Code shall be updated modern standards which will include updates to office/officer references to current standards, update penalty provisions, and other updates as listed in Exhibit A.

11. Effective Date. That this Ordinance is effective immediately upon its passage.

The vote on the adoption of this Ordinance was as follows:

Alderman Parrott	_____	Alderwoman McClallen	_____
Alderman Eimer	_____	Alderwoman Rohlf's	_____
Alderwoman O'Donoghue	_____	Alderman Bateman	_____
Alderman Downs	_____	Alderman Sanders	_____

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____

Passed and approved this ____ day of _____, 2023.

CITY OF LINCOLN,

BY: _____

Tracy Welch, Mayor
City of Lincoln, Logan County, Illinois

ATTEST: _____ (SEAL)

City Clerk, City of Lincoln,
Logan County, Illinois

EXHIBIT A

Title 8: Public Ways and Property

Chapter 8-1 Public Library

[Repealed by Ord. 351, 3-15-1993]

Chapter 8-2 Excavations

§ 8-2-1 Permit To Excavate.

[Ord. 193, 2-4-1985; amended Ord. 2013-777, 5-20-2013; Ord. 2013-778, 5-20-2013; Ord. 459, 11-17-1997]

- (A) It shall be unlawful to make any opening or excavation into, across or under any street, alley or public area within the corporate limits of the City prior to obtaining a sewer tap/street break permit from the Building and Zoning Department City Clerk. The permit shall be issued after required fees and/or deposits are received by the Building and Zoning Department City Clerk. At the time of filing for an excavation permit, the application shall be accompanied by a certified check or money order, payable to the City of Lincoln, to cover the cost of processing the application and inspecting the excavation and restoration, in the amount of \$75 \$50.
- (B) All public utilities having franchise agreements with the City shall be exempted from obtaining a permit prior to commencing excavation for a utility repair. However, said utility must submit, for each excavation, one copy of the street break permit form to the Street Department City engineer within seven days after commencing each excavation. The utility shall include the dimensions of the excavation on the bottom of the street break permit form.
- (C) A violation of any of the provisions of this chapter shall subject the offender to a penalty of not less than \$75 nor more than the cost of repair on a time and materials basis as outlined by the Street Department Superintendent or their designee \$750 for each offense, and the deposit, or such part thereof as may be necessary to put said street in proper condition, and reimburse the City for superintending the excavation and the refilling of same shall be forfeited to the City.
- (D) The attention of all the responsible person(s) and all public utilities is directed to Sections 8-2-6 and ~~8-2-12~~ of this chapter which address the matter of repairing brick surface pavement streets. The requirement to replace paving bricks on brick surface streets will require that all paving bricks brick encountered during any excavation covered by this chapter shall be salvaged by the entity performing the excavation responsible person(s) or public utility. The removal and salvage of all bricks shall be performed with reasonable care and shall be the responsibility of the person(s) performing the excavation. Any paving bricks which are not required to repair the street surface shall be delivered to a location within City limits approved

by the Street Department Superintendent or their designee ~~the City storage yard~~. Failure to salvage said paving bricks shall constitute a violation of this section.

- (E) "Responsible person(s)" shall be defined as the person or persons who makes any opening or excavation in any street, alley or public area within the corporate limits of the City.

§ 8-2-2 Cash Deposits, Liquidated Damages.

[Ord. 2013-785, 8-19-2013]

It is hereby provided that the following regulations shall govern in the granting of permits to break into, across or under the surface of streets, avenues, alleys, roadways, public walks, lawns, parkways or other public places of the City, to install, repair, renew, extend, remove or relocate water, gas, sewer, or other service connections, in or under said streets, avenues, alleys, roadways and other public places.

- (A) For a permit to cut, dig, excavate, or tunnel in, through or under any improved dirt street, avenue, alley, roadway, or other public place, the applicant shall deposit with the City Clerk the sum of \$1,000 as a guarantee that such street, avenue, alley, roadway or other public place will be restored to its original condition upon completion of work covered by the permit.
- (B) For a permit to cut, dig, excavate, break or tunnel in or under any brick or concrete or similar hard surfaced pavement, applicant shall pay to the City Clerk the sum of \$1,000 as a guarantee that such street, avenue, alley, roadway or other public place will be restored to its original condition upon completion of work covered by the application and permit.
- (C) For a permit to cut, dig, excavate or tunnel in or under any bituminous, blotter type surfaced street, or public place of like or analogous surface, applicant shall deposit with the City Clerk the sum of \$1,000 as a guarantee that such street, avenue, alley, roadway or other public place will be restored to its original condition upon completion of work covered by the application and permit.
- (D) The City may, at its option, approve a one year performance bond for \$10,000 at the beginning of each year in lieu of cash deposits for each excavation. Such ~~bond~~ bonds shall save and keep harmless and indemnify the City from all actions, suits, costs, damages and expenses, including attorney fees.
- (E) Wherever work of the nature contemplated to be done under Subsections (A), (B), and (C) of this section, the ~~City Clerk~~ Building and Zoning Office shall require the respective payment or deposit to be made even though the applicant believes or intends that his/her work may not disturb or damage the curb, gutter or surface or subsurface of such street or other public way; and if the work done actually does

not so disturb or damage such street or public way, then full or partial refund may be made to applicant as provided in Subsection (F) of this section.

- (F) No deposit shall be returned to any applicant until the work of restoration has been approved by the Street Department Superintendent or their designee City engineer, by their his/her endorsement of such approval and actual charges, if any, on applicant's permit. This permit shall then be surrendered to the City Clerk, who shall take the applicant's receipt thereon for the return of their his/her deposit or so much thereof as shall remain due to applicant after any deductions for necessary repairs or replacements made or to be made at the City's expense in putting the street and surface back in good condition.

- (G) It shall be the duty of all persons or their representatives doing any cutting, digging, excavating or tunneling in, upon or under any of the streets, avenues, alleys, roadways or other public places of the City to carry liability and workers' compensation insurance necessary to protect the City from damages or liability in connection with such operations. A certificate of insurance enumerating delineating such coverage will be required at the time of permit. And, they shall use due care and diligence to minimize the extent of disturbance to roadway surfaces and subgrades and to guard and to backfill all trenches, tunnels and excavations in the manner required by the provisions of this chapter, under and to the satisfaction of the applicable City Department City engineer.

- (H) The fees as above provided for breaking the streets shall be so assessed and paid, provided that application therefor and payment is made prior to the beginning of the work of breaking the street. In the event the application is made after work has begun on the breaking of the street, then the fees as above provided shall be doubled and, in addition, the owner of the property for the benefit of which the break in the street has been made shall pay to the City such an amount as shall be reasonable and necessary to ensure that the break in the street has been properly backfilled. In the event the breaking of the street has been done and completed, prior to the application having been made, in addition to the fees and expenses immediately above provided to be taxed to the owner for whose benefit the street has been broken, the same owner shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than \$500 \$150 and not more than \$2500 \$750 for each violation.

§ 8-2-3 Backfilling Excavation.

[Ord. 407, 12-18-1995; amended Ord. 459, 11-17-1997]

The responsible person(s) who makes or causes to be made any opening or excavation, for any purpose, shall without unnecessary delay, cause the same to be filled up to the level of the adjacent surfaces, and from time to time, if necessary, repair the same, until the trench is completely settled and the surface conforms to the proper grade or level. The backfill material shall be placed using one of the following options:

- (A) Uniform layers not exceeding 12 inches thick rammed and tamped with approved tools.
- (B) Uniform layers not exceeding 12 inches thick inundated or deposited in water.
- (C) Fill trench with loose material then jet with water. Jetting operation to begin 12 inches above pipe in trench. Spacing shall be approved by the applicable City Department City engineer.

In the event an excavation is determined to require additional repair work, the responsible person(s) shall be notified by telephone of the need of repair work and complete such repair within 72 24 hours. After 72 24 hours, the City will make the necessary repairs and bill the responsible person(s) for required labor, equipment, and materials.

In the event of any emergency situation, the City may make immediate repairs and bill the responsible person(s) for required labor, equipment and materials. Failure to make required repairs shall constitute a violation of this section.

§ 8-2-4 Backfill Materials.
 [Ord. 2013-785, 8-19-2013]

- (A) Any opening or excavation located in an area which does not now, nor will not in the foreseeable future, receive vehicular traffic, shall be backfilled with a minimum of 12 inches of black dirt, free of clods and stones within 12 inches of the pipe and relatively clean of such clods and stones above this and seeded.
- (B) All trenches within two feet of proposed or existing road surfaces, shoulder, curb or sidewalk shall be backfilled with controlled low strength material meeting the requirements of Article 1019 of the latest edition of the Illinois Department of Transportation department of transportation "Standard Specifications For Road And Bridge Construction In Illinois" or as otherwise directed by the applicable City Department the City of Lincoln engineer or their designee.
- (C) No debris shall be disposed of in the trench backfill. Debris and removed pavement which is unsuitable for backfill shall be disposed of by the contractor in accordance with prevailing laws and ordinances.

§ 8-2-5 Trench Surface Repair.
 [Ord. 2013-785, 8-19-2013]

- (A) The responsible person(s) shall provide trench surface repair and placement of the permanent patch.

- (B) Areas which have been backfilled with black dirt/topsoil to a minimum depth of 12 inches shall, after settling is complete, be fertilized and seeded according to normal landscape practices which have been approved by the Building and Zoning Officer or their designee City engineer.
- (C) Areas which have been backfilled in accordance with Subsection 8-2-4(B) of this chapter shall be prepared for placement of permanent patch immediately. Prior to placing the permanent patch, the responsible person(s) shall make a final saw cut or chisel in a straight line 12 inches beyond the limit of excavation on all four sides. Saw cuts shall be at least two inches deep. The pavement between the excavated area and this final cut shall be removed. Any excess controlled low strength material shall be removed in order to allow placement of the appropriate depth of permanent patch. Any backfill disturbed below this point shall be replaced by a method approved by the Street Department Superintendent or their designee City engineer. The Street Department Superintendent or their designee City engineer or his/her designee shall approve all excavated areas prior to actual placement of permanent patch.
- (D) If permanent patch materials are not available or if weather conditions do not permit the placement of the permanent patch, as determined by the Street Department Superintendent or their designee City engineer, the excavated area shall be given a temporary patch. The temporary patch shall be kept in place and repaired if necessary, until permanent patch materials are can be placed. The temporary patch shall consist of two inches of CA-16 emulsion mix or two inches UPM cold patch.

§ 8-2-6 Permanent Patch Materials.

[Ord. 2013-785, 8-19-2013]

The materials used for the permanent patch shall be based on the materials of construction for the existing adjacent surface. The permanent patch materials shall be as listed below:

Existing Surface	Permanent Patch
Portland cement (PC) concrete sidewalk	4 inches PC concrete ²
PC concrete driveway	6 inches PC concrete ²
PC concrete	8 inches PC concrete ²
Brick over sand cushion	New/used bricks of similar size or shape and color

Hot mix asphalt over PC concrete	8 inches PC concrete ^{1,2}
Hot mix asphalt over brick	8 inches PC concrete ^{1,2}
Hot mix asphalt	3 inches of bituminous concrete, Class I
	8 inches CA-6 crushed stone
Aggregate surface	8 inches CA-6 crushed stone

Notes:

1. For larger, more extensive repairs, or new installations, the City has the option to require 3 inches of bituminous concrete, Class I, with tack coat over six inches of PC concrete.
2. PC concrete materials shall meet the requirements of Article 1020 of the Illinois Department of Transportation ~~department of transportation~~ "Standard Specifications For Road And Bridge Construction In Illinois", latest edition for the type of pavement being placed.

All bituminous concrete, mixes, and patch material shall be adequately compacted after placement. The permanent patches listed above are minimum requirements. Existing pavement thickness shall govern when greater than minimums.

§ 8-2-7 Safety To Traffic.

[Repealed by Ord. 2013-785, 8-19-2013]

§ 8-2-8 Detours.

[Ord. 193, 2-4-1985; amended Ord. 459, 11-17-1997]

When, in the opinion of the applicable City Department ~~City engineer~~, a street may be obstructed by the excavation operations to such an extent as to unduly restrict vehicular traffic or make hazardous its use, a detour may be required and designated by the Street Department Superintendent or their designee. All expenses incurred as a result of the establishment of said detour shall be borne by the responsible person(s).

The responsible person(s) shall notify the police and fire departments of the layout and expected time of the use of the detour. The responsible person(s) shall supply and maintain such signs at his expense as may be necessary to clearly and safely outline the detour.

§ 8-2-9 Excavations To Be Guarded.

[Ord. 193, 2-4-1985]

Any person digging any cellar, excavation, ditch or opening upon any private premises near any street, avenue, alley or sidewalk in the City, so as to be dangerous to persons or vehicles on the same, shall keep the same well guarded so as to prevent the happening of any accidents thereby and in the nighttime shall cause amber lights to be so placed as to warn off persons passing by the same of the danger.

§ 8-2-10 Installation Of Public Utilities.

[Ord. 193, 2-4-1985]

Public utilities shall comply with all sections of this chapter except as exempted by franchise agreement. All new utilities not now in place shall be approved by the applicable City Department City engineer prior to installation of same.

§ 8-2-11 Maintenance Of Permanent Patch.

[Ord. 193, 2-4-1985; amended Ord. 459, 11-17-1997]

- (A) After the responsible person(s) or public utility has completed the permanent patch, the Street Department Superintendent or their designee City engineer shall be notified and shall give their his-acceptance of the patch by affixing his signature and date to the street break permit form and a copy returned to the responsible person(s) or public utility.
- (B) The responsible person(s) or public utility shall be responsible for maintaining, repairing or replacing said patch for one year from date of acceptance by the City.
- (C) The City shall notify, in writing, the responsible person(s) or public utility at such times as any permanent patch becomes defective or requires repair. Such repairs shall be made within a reasonable amount of time as outlined by the Street Department Superintendent or their designee 72 hours of notification. The reasonable amount of time shall start immediately after reception of the seventy-two hour period shall begin at 8:00 a.m. on the second day after date of notification letter. Failure of the responsible person(s) or public utility to make required repairs shall constitute a violation of this section.
- (D) After the reasonable amount of time 72 hours, unless other arrangements are approved by the Street Department Superintendent or their designee City engineer, the City will repair or replace the permanent patch. The cost of such repair shall be billed to the responsible person(s). In the event the responsible person(s) or public

utility fails to pay the City for such work within 30 days, the City shall revoke street breaking privileges of said responsible person(s) or utility.

§ 8-2-12 Removal And Repair Of Brick Surface Pavement.

[Ord. 372, 6-6-1994] [Repealed by Ordinance]

- (A) — ~~The existing paving bricks shall be carefully removed and set aside for use in replacing pavement after repair work is completed. Care shall be taken to minimize any breakage of bricks.~~

§ 8-2-13 Additional Repair Requirements.

[Ord. 2014-813, 7-7-2014]

Additional City street cut and street repair requirements may be imposed by the **Street Department Superintendent or their designee** ~~City engineer~~. At a minimum, all requirements of this chapter will apply with the following additional requirements:

- (A) **Limits Of Pavement Patching:** The **responsible person(s)** ~~contractor~~ should not proceed with the pavement restoration until the **Street Department Superintendent or their designee** ~~City engineer~~ approves the replacement limits. For hot mix asphalt (HMA) streets, restorations will be no less than one lane width and extend no less than three feet in the longitudinal direction from the edges of the cut. For concrete streets, the removal limit will extend beyond the edge of the cut to the nearest transverse contraction joint and nearest longitudinal sawed joint. The removal limits for concrete streets will be no less than one foot in any direction from the edges of the cut.
- (B) **Brick Streets:** Saw cutting of brick streets shall not be permitted. A concrete base shall be required for all brick street restorations and said base shall comply with the requirements for pavement restoration of a new concrete street.
- (C) **Concrete Streets:** All saw cuts or scoring for pavement removal shall follow existing joints and shall be full depth to alleviate spalling. Equipment and methods used for removing old pavement shall be such as to prevent cracking, shattering or spalling of the pavement remaining in place. If the patch is not scored with a concrete saw or wheel saw, the ends of the patch shall be hand trimmed with handheld hammers. The general plane of the cut face shall not deviate more than one and 1 1/2 inches from vertical. Should the **responsible person(s)** ~~contractors~~ operations cause a spall having a width or depth greater than one inch, the patch shall be extended to the next joint to remove the spall.

Tie bars shall be installed along all edges of the pavement to avoid differential settlement. Tie bars shall be epoxy coated and comply with Article 1006.11 of the Illinois **Department of Transportation** ~~department of transportation~~ (IDOT) "Standard Specifications For Road And Bridge Construction", 2012. Tie bar size shall be no. 6 and should be 24 inches long spaced at 30 inches on center. Tie bars holes shall be drilled parallel to the grade and centerline of the pavement with a tolerance of 1/8

inch in 12 inches. The drilling operation shall not crack or spall the pavement. The tie bars shall be placed with an IDOT approved non-shrink grout or chemical adhesive providing a minimum pull out strength of 11,000 pounds. Holes shall be blown clean and dry prior to placing the grout or adhesive **or as conditions are required per particular grout/adhesive materials and methods.**

If the adjacent lane has a contraction joint, pavement patches constructed shall include transverse contraction joints in line with those in the adjacent lane. These transverse contraction joints shall be constructed in accordance with Article 420.05(c) of the IDOT "Standard Specifications For Road And Bridge Construction", 2012.

- (D) Bituminous Streets: Bituminous surfaced streets, including hot mix asphalt streets and streets with a seal coat surface, shall be restored with hot mix asphalt in accordance with Section 8-2-6 of this chapter.

8-3 Use of Public Ways

§ 8-3-1 Datum Plane Established.

[1960 Code § 5.04.010]

For the purpose of measuring perpendicular distances in fixing heights, grades, lines and levels for paving streets and for the construction of other local improvements in the City, for which a datum plane may be used, there is hereby established a horizontal plane to be known as the datum plane of the City: a horizontal plane, located and reckoned to be 50 feet perpendicular distance below the level of the top of a monument situated and securely fixed in the earth immediately in the southeast corner of lot 8 in block 12, Original Town, now City of Lincoln, Illinois.

§ 8-3-2 Special Assessment Law Adopted.

[1960 Code § 5.08.010]

~~That certain act of the general assembly of the state of Illinois, entitled "an act in relation to the payment of delinquent special assessments and the remission of penalties, interest and costs accrued and accruing thereon" (approved July 21, 1947),~~ In accordance with 65 ICLS 5/9-3-41 the City of Lincoln acknowledges their statutory privileges to assess a 'special assessment' which shall be and the same is hereby adopted by the City, it being hereby expressly ordained; and provided that, subject to the provisions of said act, there shall be remitted penalties, interest and costs, other than advertising costs, accruing after the maturity date of bonds issued to finance the improvement, on delinquent special assessments heretofore levied and assessed against real estate in the City, pursuant to ordinances of the City and confirmation and decrees of the courts of Logan County, Illinois.^[1]

[1]

See 65 ILCS 5/9-3-41.

§ 8-3-3 Building Materials In Streets; Bond.

[1960 Code §§ 5.12.070, 5.12.080; amended Ord. 713, 7-6-2010]

No contractor, builder or other person shall encumber any street, alley or sidewalk in the City with building or other like materials, without a written permit from the **Street Department Superintendent or their designee** therefor; nor shall, except in case of necessity, and for a short time only, encumber or obstruct more than 1/3 of any street or alley or 1/2 of any sidewalk; nor shall such obstruction continue in any case longer than may be necessary in the diligent erection of such building, or the prompt execution of the work. Whoever shall violate any provision of this section shall be subject to a fine of not less than \$75 nor more than \$500 for each offense, and for any subsequent violation within one year, the mandatory minimum fine shall be \$150 for each offense, and to an additional penalty for every day after the first conviction that the same may continue to remain upon any such street, alley or sidewalk.

No person shall use or occupy any portion of any street, avenue, alley or sidewalk within the corporate limits of the City for building purposes, or deposit any building material thereon, nor shall the **Street Department Superintendent or their designee** ~~Mayor~~ grant any permit to do so, until a bond has been filed with the City Clerk. Such bond shall be in the penal sum of not less than **\$1000** ~~\$100~~, to be fixed by the Mayor, payable to the City, signed by the applicant with one or more responsible sureties, and conditioned for the faithful observance of all the provisions of this Code and for the repair of any and all sidewalks, curbing, pavements and improvements, and the payment of any and all damages done, of any name, nature or character whatsoever, on account of, or resulting from the occupation of any such sidewalk, street, alley or public area of the City. The City Clerk is hereby authorized to approve bonds as herein required; provided, that any person desiring to occupy any portion of any street, avenue, alley or sidewalk of the City for building purposes, or for depositing any building materials or other matter thereon, may give a yearly bond in the penal sum of **\$10,000** ~~\$5,000~~, which bond shall be payable to the City, signed by the applicant and one or more responsible sureties and shall be conditioned for the faithful observance of all the provisions of this Code and for the repair of any and all sidewalks, curbing, pavements and improvements, and the payment of any and all damages done, of any nature, name or character whatsoever, on account of, or resulting from the occupancy of any sidewalk, street, avenue or alley of the City during the time for which said yearly bond is given. Provided, further, that every person who shall have given such bonds as aforesaid and be using any such sidewalk, street, avenue or alley where such material shall be placed, shall make suitable provision that the same shall be protected in sufficient manner; and no material or other matter shall be deposited in such manner as will interfere with the free flow of water in the street gutters or into public sewers and drains, and all excavations shall have sufficient guardrails or be otherwise protected, and during the nighttime **amber safety** ~~red~~ lights shall be displayed in such manner as to prevent the happening of accidents. Any person violating any provisions of this paragraph of this section shall be subject to a penalty of not less than **\$100** ~~\$75~~ nor more than **\$2,500** ~~\$500~~ for each offense, and for any subsequent violation within one year, the mandatory minimum fine shall be **\$200** ~~\$150~~ for each offense, and a like penalty for every 24 hours such violation shall be persisted in.

§ 8-3-4 Obstructing Public Ways.

[Ord. 2014-801, 3-3-2014]

Whoever shall place, throw or leave, or shall cause to be placed, thrown or left, any obstruction, object, item, impediment, or encumbrance in or upon any street, avenue, alley, public ground or sidewalk, including, but not limited to, snow, ice, leaves, or yard waste, except as authorized by ordinance, shall be liable for a fine of not less than \$250 \$75 nor more than \$2,500 \$500 and to a further fine of not less than \$500 \$75 for every 24 42-hours that he shall not remove such obstruction or encumbrance, and for any subsequent violation within one year, the mandatory minimum fine shall be \$500 \$150 after being notified so to do by the Street Department Superintendent or their designee street-superintendent or any member of good standing employed within the Police Force police force.

§ 8-3-5 Liability For Injury.

[1960 Code § 5.12.130]

Any person who shall place or leave or cause to be placed or left, any encroachment, obstruction or encumbrance in or upon any street, avenue or sidewalk shall in all cases be liable to the City and to private persons for all injury or damage arising therefrom.

§ 8-3-6 Animals On Sidewalk.

[1960 Code § 5.12.140]

Whoever shall lead, ride or drive any horse, mule, cow or other animal upon, over or across any sidewalk, boulevard or lawn, within the curb line of any sidewalk in the City, except at the entrance of some building or lot, where no suitable crossing is provided; or whoever shall suffer or permit any such animal, or any vehicle thereto attached, to be or remain on any such sidewalk, boulevard or lawn, to the obstruction of travel thereon, or otherwise, shall be subject to a fine of not less than \$100 \$25 nor more than \$500 \$100 for each and every offense.

§ 8-3-7 Throwing Rubbish In Streets.

[1960 Code § 5.12.150]

No person shall throw, place or leave or cause or permit to be thrown, placed or left, any manure, ashes, dirt, filth or rubbish in or upon any street, avenue, alley or sidewalk of the City under a penalty of not less than \$100 \$25 nor more than \$500 \$100-in each case and a further penalty of \$100 \$25 for every day that such person shall permit such manure, ashes, dirt, filth or rubbish to remain after notice to remove the same by the Street Department Superintendent or their designee or any member of good standing employed within the Police Force street-superintendent or any policeman.

§ 8-3-8 Alleys, Gutters Kept Clean.

[Ord. 674, 4-21-2008]

It shall be the duty of every person owning or occupying any lot or parcel of land adjoining any public or private alley in the City to keep the same clean and in an inoffensive condition, and also keep the gutter in front, behind, or beside the premises owned or occupied by him, or under his control, free from filth or other offensive matter, including, but not limited to, landscape waste or leaves, that may prevent the free flow of water therein. No property owner, occupant or any other person shall place, rake, or blow any leaves or landscape waste in any of the public street gutters adjoining their property owned, occupied or at which a person is working for hire or as a volunteer. A violation of the provisions of this section shall result in a fine of not less than \$100 nor more than \$500 \$400 for each offense.

§ 8-3-9 Sales, Advertising On Streets.

[1960 Code, Secs. 5.12.180, 5.12.190, 5.12.200]

No person shall be allowed to sell at public auction or public outcry, nor to erect or occupy a stand of any kind for the purpose of making sales, upon any of the streets, alleys, avenues, sidewalks, crossings or other public places in the City, nor shall any person be permitted to sell from any vehicle upon any of the streets, avenues, alleys, sidewalks, crossings or other public places in the City, except as hereinafter provided, under a penalty of \$100 \$25 for each offense.

The foregoing paragraph shall not be so construed as to apply to any person or persons coming into the City from the country with any produce, vegetables or products of the farm for market, nor shall the same be construed to make it a penal offense to peddle newspapers, nor to apply to judicial sales; provided, that farmers or others selling under the provisions of this section shall not occupy a stand upon any sidewalk, alley or crossing nor within a space of 10 feet from any sidewalk or street crossing, or public square, nor shall they allow their stand from which they may be selling to remain in front of any person's place of business without the consent of the occupant of such place of business, nor so as to obstruct the convenient travel on the street; and provided further, that persons selling under a license shall have the same privilege as farmers or others under this section.

No person shall by himself or his agent, employee, Clerk or servant, upon any street, alley or sidewalk in the City, proclaim, pronounce or advertise, by outcry or by ringing any bell, blowing of any horn, beating of any drum or by using a megaphone, his business or any sale or sales at auction or otherwise. Any person violating any of the provisions of this paragraph shall be fined not less than \$100 \$25 nor more than \$500 \$100 for each offense.

§ 8-3-10 Distribution Of Handbills.

[1960 Code, Sec. 5.12.240]

It shall be unlawful for any person, either from a vehicle or otherwise, to distribute, cast, throw or place in, upon or along any of the public ways or upon any public or private grounds of the City any handbill, pamphlet, circular, book or advertisement for the purpose or with the intent of advertising or making known any business, occupation, attraction,

profession, medical treatment, medicine or other thing whatsoever, under a penalty of not less than \$100 \$25 nor more than \$500 \$100 for each offense.

§ 8-3-11 Ball Playing ~~Ballplaying~~ In Streets.

[1960 Code, Sec. 5.12.270]

No person shall engage in the playing of ball or in throwing and catching ball in any manner from, into or in any public street or alley within the corporate limits of the City, under a penalty in each case of not less than \$100 \$25 nor more than \$500 \$100.

§ 8-3-12 Throwing Missiles.

[1960 Code, Sec. 5.12.280]

No person shall purposely or heedlessly cast or throw any stone, brickbat or other missile from, into or in any public street or alley, or at, against or into any building, shade tree or other property, under a penalty in each case of not less than \$100 \$25 nor more than \$500 \$100.

§ 8-3-13 Defacing Sidewalks, Crossings.

[1960 Code, Sec. 5.12.260]

Whoever shall deface any public sidewalk, street crossing, pavement or curb by marking, painting, cutting, scratching or pasting thereon any advertisement, sign, name, legend or device ~~whatsoever~~ ~~whatever~~ shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$100 \$25 nor more than \$500 \$100 for each offense in addition to the costs to remove and repair the defacement.

§ 8-3-14 Barricades.

[1960 Code, Secs. 9.04.935, 9.04.936]

- (A) Placing: Whenever any street or alley in the City is being paved, oiled, improved, surfaced, resurfaced or repaired, the ~~Street Department Superintendent or their designee~~ ~~street superintendent~~ or other person having such work in charge shall, when he deems it necessary, erect or cause to be erected at such point or points as he may deem desirable, suitable barriers, with signs thereon, stating that such street or alley is closed ~~and by whose order such street or alley is so closed.~~
- (B) Penalty: Whenever any street or alley has been closed as provided in Subsection (A) of this section, it shall be unlawful for any person to remove such barrier, barriers, sign or signs, or to deface or injure the same, or to walk, ride, drive or go upon any part of said street or alley so closed, except such persons as are duly authorized so to do, and any person violating any provision of this section shall, upon conviction, be fined not less than \$100 \$25 nor more than \$500 \$100 for each offense, and shall also be liable to the City in a separate suit for any damage or injury caused thereby.

§ 8-3-15 Removal Of Earth.

[1960 Code, Sec. 5.12.040]

Whoever shall for any private purpose dig, remove, or carry away, any earth, gravel, or sod from any street, avenue, alley, or public ground, without the express permission of the City Council ~~or the committee on streets and alleys of the City~~ shall forfeit and pay a penalty of **\$1000** ~~\$25~~ for each and every load so removed and carried away; and any officer of the City who shall use, sell, or dispose of any earth, gravel, or sod from any street, avenue, alley, or public ground, for his own private gain or benefit, shall be subject to a penalty of not less than **\$1000** ~~\$25~~ nor more than **\$2500** ~~\$100~~ for each offense.

§ 8-3-16 Fencing On Streets.

[1960 Code, Sec. 5.12.050]

No person shall make, or cause to be made, any enclosure, fence, bridge, archway, or building of any kind extending upon, over, into, or across any street, avenue, alley, or sidewalk within the City, under a penalty of not less than **\$100** ~~\$25~~ nor more than **\$500** ~~\$100~~ for each offense, and a like penalty for every day that he shall allow such enclosure, fence, bridge, or building to remain after being notified to remove same by the **Street Department Superintendent or their designee or any member of good standing employed within the Police Force.** ~~Mayor, the street superintendent or any police officer of the City.~~

§ 8-3-17 Failure To Obtain Proper Boundary Line.

[1960 Code, Sec. 5.12.060] **[This Section Left Intentionally Blank]**

~~Whoever shall erect or cause to be erected, any building upon the line of any street, avenue or alley of the City without first obtaining the proper line thereof from the street superintendent or some engineer designated by the City Council of the City, shall incur a penalty of not less than \$25 nor more than \$100.~~

§ 8-3-18 Removal Of Encroachments.

[1960 Code, Sec. 5.12.090]

The owner of any building, fence or of any structure or enclosure, already created or built, extending into or encroaching upon any street, avenue, alley or public ground or sidewalk within the City who shall not remove the same within 30 days after being notified in writing to do so by the street superintendent or **designee** ~~any police officer~~, shall be subject to a fine of not less than **\$75** ~~25~~ nor more than **\$500** ~~100~~, and to a like penalty for every day that he shall fail or refuse to comply with such notice. And, the City Council may order and direct **Administrative Staff or their Designee** ~~the Chief of Police~~ to take down and remove such obstruction or encroachment upon any street, avenue or alley, and the cost and expense of such taking down and removal may be collected by suit, in the name of the City, against the person or persons causing or erecting such encroachment or obstruction.

§ 8-3-19 Entrance Approach Construction Reimbursement.
[Ord. 141, 11-1-1982]

Commercial or industrial concerns may petition the City for reimbursement for a portion of the cost of entrance approach construction or replacement according to the following guidelines:

- (A) All new construction or replacement of entrance approaches must be approved by City Council prior to proceeding with any work.
- (B) City reserves the right to refuse reimbursement for the replacement of any existing entrance approach which is deemed unnecessary.
- (C) Sidewalk(s) are presently adjacent to the existing entrance approach or will be removed to construct a new entrance approach.
- (D) The amount of new or replacement work which shall be eligible for reimbursement shall be determined by multiplying the eligible entrance approach length by the existing sidewalk width.
- (E) The reimbursement shall be \$2 per square foot based upon determined eligible area of work.
- (F) The entrance approach shall be a minimum of six inches of reinforced concrete ~~Portland cement concrete reinforced with welded wire fabric~~ and no. 4 rebar reinforcing bars as illustrated on the "driveway standard", attached to the ordinance codified herein, which "driveway standard" is hereby incorporated herein by this reference. A copy of the "driveway standard" shall be available at either the office of the City Clerk or the City engineer.
- (G) Concrete shall have a compressive strength of 3,500 pounds per square inch at 28 days.
- (H) Construction methods shall conform to the current requirements of the "Standard Specifications For Road And Bridge Construction", of the Illinois department of transportation, for Portland cement concrete.
- (I) Petitioner shall secure his own contractor and request reimbursement from the City after work is satisfactorily completed.

§ 8-3-20 Encroachment On Public Rights Of Way.
[Ord. 383, 12-5-1994, Ord. 2018-875, 2-20-2018]

- (A) Definitions: In order to facilitate said improvement, it is necessary for the City to adopt an ordinance regulating encroachments on the right of way of the improvement, located within the corporate limits, in accordance with the following definitions:

CONSTRUCTION EASEMENT AREA

The area lying between the project right of way limits and the platted street limits within which the City by concurrence in the establishment of the project right of way lines, will permit the State to enter to perform all necessary construction operations.

ENCROACHMENT

Any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over, any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established.

PERMISSIBLE ENCROACHMENT

Any existing awning, marquee or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings.

PROJECT RIGHT-OF-WAY

Those areas within the project right-of-way lines established jointly by the City and the State which will be free of encroachments, except as hereinafter defined.

ROADWAY RIGHT-OF-WAY

Those areas existing, or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

- (B) Prohibited Encroachments: Representatives of the City and the State have, by visual inspection, cooperatively established project right-of-way lines and have mutually determined the disposition of encroachments; therefore, it shall be unlawful for any person to erect or cause to be erected, to retain or cause to be retained, any "encroachment" (hereinabove defined), except as provided in Subsection (D) of this

section, within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

- (C) Project Right-Of-Way Lines: Project right-of-way lines have been established at the following locations: None.
- (D) Revocable Encroachment Permits: Revocable encroachment permits may be issued by the City upon the completion and approval of the appropriate permit application, on a form designated by the Building and Safety Department and upon the payment of any applicable permit fees, as established by the Building and Safety Department from time to time.
- (E) Intent: This section is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinances or part of any ordinance, unless in direct conflict therewith.
- (F) Penalty: Any person violating this section shall be fined not less than \$75 25 nor more than \$500 100 for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

§ 8-3-21 Trash Containers, Bins, And Dumpsters On Streets, Alleys, Avenues, Public Grounds Or Sidewalks.

[Ord. 410, 10-2-1995]

- (A) No person shall be allowed to leave dumpsters, trash bins, roll away or otherwise, in a manner that shall obstruct the safe passage on any street, avenue, alley, public ground or sidewalk, except as authorized by ordinance. No person shall allow a dumpster greater in size than two cubic yards to be placed on any street, avenue, alley, public ground or sidewalk, except by permit in the manner set forth in Section 8-3-3 of this chapter.
- (B) Persons placing a dumpster up to 2 1-1/2 cubic yards in size shall not place said dumpster in a location that shall obstruct any street, avenue, alley, public ground or sidewalk.
- (C) All trash containers and dumpsters of a size greater than one cubic yard, placed on a public road surface, shall have 36 inches of alternating reflectorized orange and white four inch strips, the width of the container, on the side of the container which faces any oncoming traffic.
- (D) Any person violating any part of this section shall be liable to a fine of not less than \$75 25 nor more than \$500 100 per day per violation and to a further fine of \$75 25 for every 12 hours that he shall not remove such obstruction or incumbrance after being notified so to do by the Street Superintendent or by any member of the police force.

- (E) The definition of persons who place, throw, leave or cause to be placed, thrown or left said dumpsters shall be defined as any contractor who uses the container or the supplier of the container or the owner of the location serviced by said container. All persons who place or leave or cause to be placed or left a dumpster, even if in lawful accordance with this section, shall be liable to the City and to private persons for all injury or damage arising therefrom.

Chapter 8-4 Railroads

[Repealed by Ordinance 2023-]

~~§ 8-4-1 Obstructing Crossings.~~

~~[1960 Code, Sec. 8.60.020]~~

~~(A) — It is unlawful for a railroad corporation to permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing for a period in excess of 10 minutes, except where such train, railroad car or engine cannot be moved by reason of circumstances over which the railroad corporation has no control.~~

~~(B) — It is unlawful for any railroad employee to wilfully or intentionally permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing for a period in excess of 10 minutes, except where such train, railroad car or engine cannot be moved by reason of circumstances over which the railroad employee has no control. However, no employee acting under the rules or orders of the railroad corporation or its supervisory personnel may be prosecuted for such violation.~~

~~§ 8-4-2 Construction, Maintenance Of Crossings.~~

~~[1960 Code, Sec. 8.60.020]~~

~~Whenever any railroad company or corporation shall neglect to construct or maintain in good repair any crossing or approach, as aforesaid, the Mayor shall cause written notice to be given, specifying the nature of the work required, and if within 10 days after service of such notice such work is not done, the City may forthwith cause such construction or repairs to be made and recover the costs thereof with all necessary expenses incurred.~~

~~§ 8-4-3 Approaches Maintained In Safe Condition.~~

~~[1960 Code, Sec. 8.60.050]~~

~~At all railroad crossings of public highways, streets and alleys, the several railroad companies or corporations shall construct and maintain within their respective rights of way, all sidewalks, culverts and approaches, either over or under their tracks as the case may be, so that at all times such crossings shall be safe as to persons and property.~~

~~§ 8-4-4 Gates, Flagmen.~~

~~[1960 Code, Sec. 8.60.080]~~

~~At the following crossings on the Chicago & Alton Railway: Clinton Street, Pulaski Street, Broadway and Pekin Street, gates shall be constructed and maintained; each gate as aforesaid shall be under the control of a competent watchman who shall operate the same at all times between the hours of 7:00 a.m. and 10:00 p.m. Said gates shall extend across both sidewalks and the street and shall be used to warn the traveling public of danger, and at the following crossings of railroads: Tremont Street and Decatur Street on Clinton Street, Delavan Street, Peoria Street and Lincoln Avenue, on the Chicago & Alton Railroad, and at North Kickapoo Street on the Peoria, Decatur and Evansville Branch of the Illinois Central Railroad, and at Broadway, Pulaski Street, the intersection of Clinton and Sherman Streets, the intersection of Hamilton and Decatur Streets, and at McLean Street on the Champaign and Havana Division of the Illinois Central Railroad, shall be stationed flagmen, whose duties it shall be to warn the traveling public of danger, such flagmen to be on duty from 7:00 a.m. until the time that the last train on such railroad shall have passed through the limits of the City in the afternoon of said day. Provided, however, that no such flagman need be maintained on any such crossing after the hour of 9:00 p.m. of any day. Any railroad company or railroad corporation failing to construct said gates aforesaid, or to keep them in good repair or working order or shall fail to keep or maintain such flagmen shall be subject to a penalty of \$100 for each day it shall fail to comply with the terms of this section.~~

~~§ 8-4-5 Permit To Build Tracks.~~

~~[1960 Code, Sec. 8.60.090]~~

~~It shall not be lawful for any person to lay any railroad track or tracks in or upon any street, avenue, alley or other public place within the City without first having a permit by ordinance therefor duly passed by the City Council. Such ordinance shall particularly specify the track or tracks to be so laid, designating the street or streets, avenue or avenues, alley or alleys, and other public place or places in or upon which the laying of such track or tracks is so authorized and shall state fully the terms and conditions under which the same shall be constructed; and such track or tracks shall be laid and constructed in accordance with such terms and conditions. Any person violating any of the provisions of this section shall be liable to a fine of not less than \$100 nor more than \$200 for each offense, and a further fine of \$100 for each and everyday until such track or tracks so unlawfully laid shall be removed by such offender.~~

~~§ 8-4-6 Lights.~~

~~[1960 Code, Sec. 8.60.070]~~

~~Every locomotive, railroad car or train of cars while in motion, in the nighttime, shall have a conspicuous bright light shining in the direction in which the same is moving.~~

8-5 Moving Buildings

§ 8-5-1 Permit; Bond.

[1960 Code, Sec. 5.12.110]

No person shall remove or cause to be removed, any building through or along any street, avenue or alley of the City without making an application to the **Building and Safety Department** ~~Mayor~~ and receiving his permit therefor. The application for such permit shall be in writing, describing the building to be removed, its location, the proposed route of removal, the final destination, the name of the owner and also the name of the party desiring to make the removal. Said **person shall apply for a permit in the building and safety office** ~~for the~~ applicant shall file with the City Clerk a good and sufficient bond in the penal sum of **\$1000** ~~200~~, payable to the City, signed by the applicant ~~and one or more responsible sureties~~, and conditioned for the faithful observance of all provisions of this Code and that said applicant will indemnify the City and all persons for any and all damage that may result from such removal, together with all costs and expenses incurred by any one required to make removal or changes in property, and be further conditioned to pay any and all damage and expense incurred by any electric light, telephone, ~~telegraph or street railway company~~ or companies operating in the City in the removal or changing of either their poles, wires, cables or any other appliances used by them, except, that nothing herein contained shall be so construed as to make any person removing any such building along any street, avenue or alley to replace or to pay for the replacing of the wires of any such corporation as above named which are permitted to be lower than the height that may be prescribed in the ordinance granting such corporation the right to string wires over the streets of the City, and in no case shall they be required to replace any wire which is permitted to be lower than 15 feet above the surface of the roadway of such street, avenue or alley, to permit the passage of such building so being removed through or along any street, avenue or alley of the City. Provided further, that any person who may be in the business of moving houses in the City may, in lieu of the bond above mentioned, give a yearly bond above mentioned in this section. Said yearly bond shall be in the penal sum of **\$10,000** ~~1,200~~ and shall cover any and all damage that may be occasioned by such person in so removing buildings through the streets of the City for the period of one year from the making thereof. Any person failing to comply with any of the provisions of this section shall be subject to a fine of not less than **\$75** ~~25~~ nor more than **\$500** ~~100~~ for each offense.

§ 8-5-2 Unnecessary Obstruction Of Streets.
[1960 Code, Sec. 5.12.120]

No person after having received such permit to remove any building through the streets, avenues or alleys of the City shall unnecessarily encumber or obstruct any such street, avenue or alley for a longer time than may be necessary in the prompt and diligent removal thereof. Any person violating the provisions of this section shall be subject to a penalty of not less than **\$75** ~~25~~ nor more than **\$500** ~~100~~ for each offense, and a like penalty for every day that such building shall be allowed to unnecessarily remain upon such street, avenue or alley.

8-6 Sidewalk Construction

§ 8-6-1 Area Subject To Regulation.
[1960 Code, Sec. 5.20.010; amended 1975 Code]

In all cases, except where sidewalks are to be laid in accordance with the provisions of special assessment or special taxation ordinances, it shall be unlawful for any person to construct, lay or build any sidewalk on any portion of the public streets or alleys of the City except in compliance with this chapter and the specifications hereinafter prescribed. This chapter and all the provisions thereof shall apply only to sidewalks to be built in the district or territory of the City.

§ 8-6-2 Sidewalk Specifications.
[1960 Code, Sec. 5.20.020]

All sidewalks to be hereafter constructed or laid in the City shall be cement concrete sidewalks.

(A) Materials For Concrete:

1. Concrete shall be composed of materials that achieve 3500 psi in a 28 day cure time

~~Concrete shall be mixed in proportions of one part cement, two parts fine aggregate and four parts coarse aggregate.~~

~~2.~~

~~Cement shall be standard Portland cement free from damaged or lumpy cement, delivered on the work in original packages and kept dry until used. Each bag shall contain not less than 94 pounds net weight of cement, which shall be considered equivalent to one cubic foot in proportioning the materials.~~

~~3.~~

~~Fine aggregate shall be torpedo sand, and be clean and free from loam and dirt, and of a size ranging from 1/8 of an inch down to the finest, with the coarser particles predominating in such proportions that the voids, as determined by saturation, shall not exceed 33% of the entire volume, and shall weigh not less than 100 pounds per cubic foot. No wind drifted sand shall be used.~~

~~4.~~

~~Coarse aggregate shall be crushed durable stone, crusher run, of a size so the largest pieces will pass through a ring 1 1/4 inches in internal diameter, or clean washed gravel equal to such crushed stone for concrete purposes, to be approved by the street superintendent of the City.~~

(B)

~~Mixing Concrete: All materials are to be measured loose by volume. The cement and sand shall be thoroughly mixed dry, and the mass mixed into stiff mortar, by adding sufficient water only to obtain such result. The coarse aggregate after having been sprinkled with water shall be incorporated in the mortar and the mass thoroughly mixed by turning over with shovels, at least three times or until each particle of stone is thoroughly covered with mortar. If a mechanical batch mixer is used, and the same may be and is hereby authorized to be used, the materials must be proportioned dry and then deposited in the mixer, all at the same time. The mixture must produce a concrete of uniform consistency and color. Retempering mortar or concrete shall not be permitted.~~

- (CB) Walks Laid On Filling Or Subgrade: The subgrade shall be prepared by cutting down or filling up the surface of the ground to grade which shall be six inches below the finished upper surface of the sidewalk. Wherever filling is necessary to bring the foundation to subgrade, such filling shall be of a sand or aggregate nature and shall be compacted to a suitable density. ~~earth free from animal or vegetable matter, and wetted thoroughly, rammed until solid and unyielding. Whenever filling of more than one foot is required to bring the foundation to required subgrade, the fill shall be made of crushed rock or gravel.~~

~~Upon such foundation shall be placed a concrete mixture of the character described under Subsection (B), "Mixing Concrete", of this section and first to a depth of twothree inches and leveled off, and upon which shall be placed wire mesh reinforcing weighing 42 pounds per 100 square feet, and then the remaining three inches of concrete placed, so that after being tamped until consolidated and the surface of the concrete struck off with a straight edge, the concrete sidewalk will be four inches in thickness. The surface shall be worked to an even surface by the use of wooden floats.~~

- (DC) Sidewalks Laid Over Vaults Or Areaways: All sidewalks constructed over areaways and driveways shall be reinforced concrete sidewalks uniformly eight inches thick and the concrete to be used composed of the same kind and quantity of material, in the same proportions (except wire mesh reinforcing), and mixed in the same manner as the concrete specified for cement concrete sidewalks laid on filling, said concrete to be thoroughly compacted by tamping in the same manner, and the surface struck off and finished in the manner as hereinabove described for sidewalks constructed on natural or filled subgrade.

False work or forms shall be set in place and securely fastened to line and elevation required, and to remain solid and unyielding during construction of concrete work, using straight square edged two inch plank to form the floor or support of concrete during construction and until concrete is fully set. All side forms shall be straight square edged and securely fixed in place to line and grade required and of sufficient strength to be unyielding to stress placed upon or against them during construction of concrete work.

The concrete mixture shall be deposited upon all false work or floor and within the side forms and leveled off to a uniform depth of 1 1/2 inches. Standard round steel reinforcing bars 3/4 inch in diameter, spaced parallel and eight inches apart in transverse direction, and round steel reinforcing bars 1/2 inch in diameter spaced parallel and two feet apart in longitudinal direction, and shall be placed on the leveled off surface of the 1 1/2 inches of concrete so placed. The bars laid transversely shall be of a length to reach within 1 1/2 inches from the inside edge next to building or building line to outside edge at roadway of the concrete slab being constructed. The bars placed in the longitudinal direction shall be of the greatest practicable length and when necessary to splice rods they shall be lapped at the ends by 1 1/2 feet. After placing the reinforcing, the remainder of the concrete mixture shall be deposited to make the depth or thickness of the concrete, after consolidation and finishing as herein described, eight inches in uniform thickness.

The inside of the sidewalk next to the building or building line must be supported by a brick or concrete wall. If a new wall is required to be constructed for such purpose, the same shall be a 13 inch brick wall laid in cement and sand mortar, or a reinforced concrete wall eight inches thick, reinforced in both directions with standard round steel reinforcing bars 1/2 inch in diameter, placed during construction, spaced parallel one foot apart and 1 1/2 inches from inside of the concrete wall; wall set on footing one foot in depth and 1 1/2 feet in width, the one foot extending from the inside of wall toward the roadway; the reinforcing in the perpendicular direction extending into the footing to within 1 1/2 inches of top of surface. If a brick wall is already in place or a ledge is already provided and in place projecting from the adjoining building, such wall or ledge must provide a width for bearing of at least eight inches. The outside edge of the sidewalk next to the roadway of the street must be supported by a thirteen-inch brick wall laid in cement and sand mortar, or a reinforced concrete wall eight inches thick set on concrete footing same as above described and reinforced in the same manner, with the toe of the footing extending toward the building. Concrete to be used in the construction of concrete walls and footing shall be of the same character mixed in the same proportions as described and specified herein under Subsections (A), "Materials For Concrete", and (B), "Mixing Concrete", of this section.

- (ED) General Provisions Applicable To Sidewalks Laid On Subgrade And Over Areaways: An expansion joint 1 1/2 inches wide shall be provided in sidewalks at intervals of 80 feet, which joint shall be filled with asphalt or expansion joint strip.

All sidewalks shall be built so that the finished upper surface will conform to the sidewalk grade established by ordinance of the City, or upon the grade established by use, unless otherwise directed by ordinance of the City in the specific case.

The width of the sidewalks shall be four feet or the width of the adjoining sidewalks. From the inside edge of the sidewalk next to the abutting building or building line, the sidewalk shall have a fall of 1/4 inch to the horizontal foot, to the outside or roadway edge.

(E) Sidewalk Repair and/or Replacement: Repair and replacement of damaged sidewalks or those that are being altered should occur within a whole "section" of sidewalk and not just the affected portion. A "section" of sidewalk is perceived as a whole portion contained from control joint to control joint or expansion joint to expansion joint or combination of either, including the full width. If a small portion of work is to be done the whole "section" must be removed and replaced. If a "section" is found to be over 5' in length the affected area may be saw cut out to provide a new "section" no less than 2'-6" in length. The new, cut edge of the new section must be edge-rounded and joined to the repaired section with expansion joint material. Work taking place in the City Right of Way is subject to approval and permitting pursuant to section 8-3-20 (D) of this code.

(F) Sidewalk Repair or Construction at a driveway. If a portion of sidewalk is removed or altered and to be replaced as part of a driveway or approach repair or addition that portion of sidewalk shall be replaced with no greater than a 2% cross-slope (perpendicular to pedestrian traffic flow) across the sidewalk pursuant to The 2018 Illinois Accessibility Code, 403.3. If the slope of the driveway along with the new sidewalk is intended to be lowered for ease of vehicle entrance, the adjacent sidewalk on either side of the new sidewalk and driveway must be cut back to accommodate as necessary and be re-poured with no more than a 5% running slope (parallel to pedestrian traffic flow) from old to new while still maintaining a cross-slope no greater than 2%, both pursuant to The 2018 Illinois Accessibility Code 403.3. Work taking place in the City Right of Way is subject to approval and permitting pursuant to section 8-3-20 (D) of this code.

§ 8-6-3 Enforcement; Violation.

[1960 Code, Sec. 5.20.030]

It shall be the duty of the street superintendent or their designee, ~~the Mayor or any officer of the City having police power,~~ to enforce the provisions of this chapter by stopping any work being done in violation thereof; but any oversight or neglect of any such officer to in pointing out violations of this chapter or in failing to stop the work being done in violation of this chapter, shall not relieve the person from constructing or reconstructing such sidewalk in compliance with this chapter and the specifications herein contained.

Provided, the provisions and specifications herein shall not be construed to exclude or prevent any owner from using or constructing any additional reinforcing of I-beam support, or other means of construction tending to strengthen such work or sidewalk.

In case any person shall construct a sidewalk contrary to the provisions of this chapter relating thereto, or failing to come up to the requirements of such chapter, or in an unworkmanlike or defective manner, the street superintendent shall give written notice to such person to rebuild or replace such sidewalk within 15 days of the date of the service of such notice, or within 15 days after weather conditions will permit.

Upon failure of such person to rebuild or replace such sidewalk within such time, the City may rebuild or replace said sidewalk and pay the cost thereof, and such person shall pay and reimburse the City the cost of such construction or reconstruction, and upon failure to do so upon demand by the City, the same plus a fine of \$250 may be recovered from such person by the City in an appropriate action in any court of competent jurisdiction.

§ 8-6-4 Reimbursement For Constructing Sidewalks.

[1960 Code, Sec. 5.20.040, Ord. 98, 10-2-1979]

Whenever a sidewalk shall be constructed in the City pursuant to any ordinance (save for an ordinance providing for construction of a sidewalk by a special tax or a special assessment) and in full compliance with specifications therefore contained in such ordinance, the City shall pay over and reimburse the person so constructing such sidewalk that portion of the cost thereof which is stated in Section 8-6-5 of this chapter, provided also that such person shall first have filed a request ~~petition~~ with the Streets and Alleys Department ~~City Council~~ wherein it is stated the location, width and extent of the sidewalk proposed to be built, and shall have obtained approval thereof by the Street Superintendent or their designee ~~City Council~~ prior to the construction of such sidewalk, and such person shall have constructed such sidewalk in compliance with the terms of a notice, authorized by the Street Superintendent or their designee ~~City Council~~, said notice to be in writing, and to be given and served by the City Clerk, by registered mail, addressed to such person at the office thereof, and to direct the construction of a sidewalk or sidewalks of the area and dimensions stated in such notice.

~~However, this section shall not apply to any lot or parcel which is part of an approved subdivision plat which was approved less than five years from the date of petition and in which a variance to Section 12-9-6 of this Code had been granted at the time of development of the subdivision.~~

§ 8-6-5 Amount Of Reimbursement.

[Ord. 614, 8-1-2005]

Whenever a sidewalk shall be constructed in the City in compliance with the provisions of Section 8-6-4 of this chapter, the City shall pay over to and reimburse the person so constructing such a sidewalk an amount per square foot as set by the City Council with recommendations from the Street Superintendent or their designee from time to time.

§ 8-6-6 Special Taxation.

[1960 Code, Sec. 5.20.060]

All sidewalks in the City shall be constructed either by petitioning the City Council asking leave to be granted to the persons applying for the same to construct such sidewalk in accordance with the provisions of this chapter, or the City Council may pass a special ordinance ordering the construction of any sidewalk within the City by special taxation. If any ordinance is passed ordering the construction of any such sidewalk, the City authorities shall proceed in the manner and form provided by the statutes of the state in cases relating to the building of sidewalks by special assessment or special taxation.^[1]

[1]

See 65 ILCS 5/11-84-1.

§ 8-6-7 Maintenance.

[1975 Code]

The maintenance of all concrete sidewalks constructed at the expense of the owner shall then become the responsibility of the City: **after acceptance by the Street Superintendent or their designee.**

8-7 Curbs and Boulevards

§ 8-7-1 Location Of Curb.

[1960 Code, Sec. 5.24.010]

The owners or occupants of property in the City shall be **allowed** ~~entitled~~ to have a curb set on the outside of boulevards on residence streets at a distance of 20 feet from the center of the street if the street shall be 80 feet wide or over, and eight feet from the center of a street 60 feet wide and not less than 80 feet and eight feet if the street be 50 feet wide, upon compliance with this chapter.

§ 8-7-2

Permit Required.

[1960 Code, Sec. 5.24.020]

No curb shall hereafter be set or boulevard constructed on any of the streets of the City until written permission therefor shall be granted by the **Street and Alley Superintendent or their designee** ~~committee on streets and alleys~~, and no such permission shall be granted until satisfactory assurance shall be **granted by the Streets and Alley's Superintendent** ~~given to said committee~~ that the necessary materials as hereinafter provided shall be furnished on the ground before work is commenced. ~~for curbing across an entire block, where curbing is needed or desired, and that the boulevard will be promptly and properly filled and graded under the supervision of the board of local improvements of the City.~~

§ 8-7-3 Establishing Grade Of Curbs And Boulevards.

[1960 Code, Sec. 5.24.030]

Before any curb shall be set or any boulevard constructed in pursuance of this chapter the street superintendent or **designee engineer** shall establish the grade of the street, where a boulevard is proposed to be constructed, under the direction of the **Street Superintendent or their designee** ~~board of local improvements~~, and also make and establish the line upon which said curb shall be set if a curb be necessary or desired, and the curb line shall be the line for the edge of the boulevard, nearest the center of the street.

§ 8-7-4 Manner Of Grading.

[1960 Code, Sec. 5.24.040]

Whenever any boulevard is proposed to be constructed, it shall be the duty of the street superintendent to do or cause to be done the necessary grading of the street outside of the boulevard and see that the curb is properly set, if one be required; the surplus dirt, if any, to be used in filling the boulevard thus provided for.

§ 8-7-5 Curb Construction.

[1960 Code, Sec. 5.24.050]

All boulevard curbs hereafter set on any of the unimproved streets shall be of uniform height, the top in no case to extend above the grade for the outer edge of the boulevard, and must be wide enough to reach to or below the edge of the gutter. Said curb shall be of stone or concrete of not less than six three inches in thickness.

§ 8-7-6 Riding Or Driving On Boulevard.

[1960 Code, Sec. 5.24.080]

~~Any person who shall ride or drive, or suffer any animal to go upon any boulevard constructed in accordance with the provisions of this chapter or any of the provisions of this Code, shall be subject to a penalty of not less than \$5 nor more than \$100 for each offense.~~

§ 8-7-76 Amount Of Reimbursement For Curb Construction.

[Ord. 614, 8-1-2005]

Whenever a curb shall be constructed in the City in compliance with the provisions of this chapter, the City shall pay over to and reimburse the person so constructing such curb the amount per linear running foot as set by the Street Superintendent City Council from time to time.

8-8 Trees

§ 8-8-1 Planting Of Trees.

[Ord. 246, 12-7-1987]

The owner of record of real estate abutting upon a public street in the City may plant a tree or trees of approved species in the portion or portions of a street or streets abutting such real estate between the curb line of the street and the owner's property line, but only after gaining the approval thereof of the Street Superintendent or their designee City Council in the manner following:

The owner or owners of record of such real estate shall file a written request to the Street Superintendent petition in the office of the City Clerk for submission to the City Council at its next regular meeting. Said request petition shall be signed by said owner or owners, shall state species, variety, and location. describe such real estate, shall state the number and species of trees to be planted, shall state the intervals, in feet, between such trees and the intervals, if any, between such trees and any other trees already lawfully planted in said

street, and shall state the distance, in feet, between each of such trees and the distance, in feet, between the curb line of the street and the edge of the sidewalk nearest to the street.

§ 8-8-2 Protection Of Trees; Removal.

[1960 Code, Sec. 5.24.090]

The Street Superintendent or their designee has the authority to remove trees planted in the City's Right of Way at their discretion. Desirable trees, growing upon any of the streets, that are too large to be safely removed shall be preserved and protected so long as they do not materially interfere with grading streets, sidewalks or boulevards, or obstruct the streets or sidewalks. All trees heretofore planted in accordance with any ordinance or resolution of the City Council shall, upon the order of the committee on streets and alleys, be removed to the tree line established in pursuance of this chapter by the street superintendent, provided the same are not too large to make such removal reasonably safe if carefully done; and all trees not on the proper tree line, that the street superintendent may not deem safely movable, may be removed or dug up and disposed of as the committee on streets and alleys may direct whenever the same may come in the way of grading any portion of the streets of the City for any purpose.

§ 8-8-3 Trees To Be Trimmed.

[1960 Code, Sec. 5.24.100]

It shall be the duty of the owners or occupants of property adjacent to any of the streets, and alleys, or pedestrian pathways of the City to keep all trees growing upon their premises so-trimmed, as not in any manner to obstruct the light, upon any such streets and alleys, from the public lamps or any of them, nor interfere with travel on said streets, and alleys, and pedestrian pathways or any of them, by coming in contact with vehicles of any kind in common use in the City, or with persons on horseback, or pedestrians with or without raised umbrellas; and Any owner or occupant failing to trim such trees as above provided within 10 days from the date of receiving notice to so trim, shall pay a fine of \$75 25 for each tree so neglected to be trimmed per-day, and it shall be the duty of the street superintendent forthwith to trim or cause the same to be trimmed, at the end of the ten day period, at the expense of the homeowner; the notice above required may be given by said street superintendent or any member of the police force of the City, in writing, left with the owner or occupant or posted upon the premises where the obstructing trees may be growing. Any and all damage arising from a neglected tree shall be the sole responsibility of the homeowner. It shall be the duty of the street superintendent to keep all trees, growing upon any of the streets or public grounds of the City, trimmed in the manner and form as heretofore inbefore provided, unless the owners or occupants of adjacent property shall keep the same trimmed.

§ 8-8-4 Permission Required To Cut, Injure Trees.

[1960 Code, Sec. 5.24.110]

No contractor or other person No house-mover or other person shall be permitted to cut or injure any tree standing in or along any street, alley or other public place within the City,

without the consent of the **Street Superintendent or their designee**, ~~committee on streets and alleys of the City Council, or the consent of the owner of the property on which said trees are located,~~ under a penalty not exceeding **\$75 50**.

§ 8-8-5 Changing Tree Line.

[1960 Code, Sec. 5.24.120]

~~In establishing a tree line on streets that have been materially encroached upon by fences or buildings, if the original lines cannot be ascertained and reestablished and the portion or portions of streets thus lost cannot be regained, it shall be the duty of the street superintendent, the City engineer, the committee on streets and alleys and the board of local improvements to so vary the tree line as to accommodate the sidewalks and harmonize so far as may be with the general order of tree planting on the streets of the City as hereinbefore provided.~~

§ 8-8-65 Species Approved For Planting.

[Ord. 692, 2-2-2009]

The species of trees, ~~and the intervals between them,~~ approved for planting **upon City Right of Way or property** ~~along the streets of the City~~ are: ginkgo, ~~30 feet~~; Norway maple, Schwedleri maple, red maple, tulip, red oak, white oak, willow oak, scarlet oak, American linden, ~~and European linden, 40 feet~~; pin oak, and oriental plane, ~~45 feet~~; honey locust, ~~50 feet~~; and sycamore, ~~60 feet~~.

In addition to the species of trees above permitted other species of trees may be approved for planting along the streets of the City as may be specified by the **Street Superintendent or their designee** ~~appropriate committee of the City Council~~.

§ 8-8-76 Forbidden Species.

[Ord. 692, 2-2-2009]

No person shall plant any of the following named trees in the streets of the City: evergreens, fruit and nut trees (except oak), box elder, silver maple, ailanthus, poplar, cottonwood, willow, catalpa, hackberry, dogwood, white fring, or elm (including Chinese elm), sweet gum, and any species of ash tree.

In addition, any owner of property that has a sweet gum tree, Chinese elm tree, or ash tree located within the **City's Right of Way** may **request permission from** ~~petition the Street Superintendent City Council~~ to remove said tree at the owner's expense, **via contractor or otherwise**. Said removal must include grinding the stump, **backfill, restoration**, and must be performed by an insured contractor naming the City of Lincoln as an additional insured on the certificate of insurance. The approval of the **request** ~~petition~~ may be conditioned upon the agreement of the owner to replace the removed tree by planting a tree listed in Section **8-8-65** of this chapter.

§ 8-8-87 Penalty.

[1960 Code, Sec. 5.24.070]

Any person who shall plant any tree or set any curb or construct any boulevard otherwise than as provided in Chapter 7 of this title and this chapter, shall pay a fine of not less than \$75-25 nor more than \$500-100 for each offense; and the street superintendent shall at once remove such curb or tree and so much of said boulevard as may interfere with or obstruct the free flow of water in any gutter and the cost of all such removal shall be added to and made a part of said penalty.

8-9 Demolition of Buildings

§ 8-9-1 Permit Required.

[1975 Code]

No person, firm or corporation shall demolish a building or structure without a permit therefor.

§ 8-9-2

Application.

[Ord. 277, 7-17-1989; amended Ord. 2013-777, 5-20-2013]

Application for a permit hereunder shall be made to the office of Building and Safety building inspector on forms to be provided by the City upon payment of a fee of \$10 per 100 square feet of floor area, or fraction thereof, for each floor of the building subject to such permit. The minimum fee shall be \$30; provided, however, a permit may issue without fee if the building is to be demolished by the owner thereof on his own property or when demolition is upon the order of the City or a court. Said permit shall be valid for a period of 90 days.

§ 8-9-3 Insurance.

[1975 Code]

The building and safety office building inspector shall not issue such permit until or unless the applicant shall have on file in the office of the City Clerk a certificate of public liability insurance. Such insurance shall cover bodily injury and property damage to the public and to the City for such operation. The minimum amount of such insurance coverage shall be \$1,000,000-100,000 for any one person for bodily injury or death, and \$3,000,000-300,000 for liability in any one accident for bodily injury or death, and property damage in the amount of \$500,000-50,000. For any demolition that is adjacent to a public street of the City, the City shall be named additional insured. Such policy may have a \$100 deductible clause for damage to persons or property. Such policy must provide that the City shall receive at least 10 days' notice prior to any cancellation. However, no insurance shall be required when the property to be demolished is a one-story building located at least 10 feet from any other building and at least 10 feet from any public street, and no insurance shall be required when the building to be demolished is a two-story building located at least 25 feet from any other building and at least 25 feet from any public street.

§ 8-9-4 Protection.

[1975 Code]

No wrecking or removal of any structure shall be commenced until every precaution for the protection of the public has been taken. When such demolition has been instituted, it shall continue continuously during ordinary working hours until completed.

§ 8-9-5 Disconnection Of Utilities.

[1975 Code]

Before demolition of any building or structure is commenced, all utilities to such building or structure shall be disconnected ~~and the openings properly plugged or capped at the property line.~~ Utility disconnection, except for water and sewers, shall be performed or supervised by the proper utility company or agency affected. Disconnection of sewers and water service shall be performed after the issuance of a permit as provided by the applicable ordinances of the City. Such disconnection shall be inspected and approved as provided by the applicable ordinance of the City.

§ 8-9-6 Sale Of Building Materials.

[1975 Code]

It shall be unlawful to sell or to advertise for sale used building material at the site of demolition operations ~~for a period of time in excess of 15 days from the completion of demolition of the building.~~

§ 8-9-7 Demolition Procedures.

[1975 Code]

It shall be unlawful for any contractor to burn paper, refuse, waste or other materials at the site of any demolition operation. All dust resulting from operations shall be settled by wetting the same with water.

Trucks and other equipment used shall not interfere with or block either vehicular or pedestrian traffic. Where it becomes necessary to transport units of a structure through City streets or other public ways and places, **without prior permitting from City staff** ~~a permit shall be obtained as provided in Chapter 5 of this title.~~

§ 8-9-8 Clearing Of Site.

[1975 Code]

In clearing a site, all excavations shall be filled so as to be level with the adjoining grade. **Plaster, brick, concrete,** and other incombustible materials may be used to fill such excavations; provided, however, the top one foot of fill shall be **soil suitable for vegetative growth** ~~clean earth.~~ The filling of such excavations shall not be required when a building permit has been issued for a new building on the site and the construction thereof is to be started within 60 days after the completion of demolition operations. In such event the

holder of the building permit shall provide such excavation with a substantial fence protecting the excavation on all sides.

All adjacent streets, alleys and other public ways and places shall be kept free and clear of all rubbish, refuse and loose material resulting from the demolition and removal operations.

§ 8-9-9 Damage To Public Property.

[1975 Code]

As a condition of obtaining a permit to demolish or remove any structure, the permittee assumes liability for any damage to public property occasioned by such demolition or removal operations.

§ 8-9-10 Penalty.

[1975 Code]

Any person violating any provision of this chapter shall, upon conviction, be fined not less than ~~\$75-10~~ nor more than ~~\$500 200~~ for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

8-10 Signs

§ 8-10-1 Definitions.

[1960 Code, Sec. 5.12.250]

The term "sign" used herein refers to all advertising signs, awnings and other devices used for the purpose of advertising or displaying merchandise or attracting attention to or for any business or activity, and to structures used for weather protection or other similar purposes.

§ 8-10-2 Height Of Signs.

[1960 Code, Sec. 5.12.251]

A sign shall be erected so that the bottom thereof is a minimum of seven feet above the normal ground level immediately thereunder, except that the valance commonly found on canvas awnings may be down to a minimum of six feet six inches above the normal ground level immediately thereunder.

§ 8-10-3 Safe Erection And Maintenance.

[1960 Code, Sec. 5.12.252]

A sign, any part of which extends over or on City property, shall be erected in a safe manner and inspected at least once a year by the owner to determine that it remains safely and securely erected. Any sign found to be in an unsafe condition shall be repaired immediately.

§ 8-10-4 Liability For Damages.

[1960 Code, Sec. 5.12.253; amended 5-15-2023 by Ord. No. 2023-1005]

The owner of a sign, any part of which extends over or on City property, shall hold harmless the City against any and all claims, demands or judgments resulting from injuries or damages attributable to said sign. This includes any auto accidents that might arise due to the sign blocking a driver's line of sight.

§ 8-10-5 Supports.

[1960 Code, Sec. 5.12.254]

All signs shall be supported entirely from and by a building or other structure not on City property in such a manner that said supports are a minimum of seven feet above the normal ground level immediately thereunder when over City property excepting, however, that waiver of this requirement may be made by proper action of the City Council upon receipt of application therefor and payment of the required fee.

§ 8-10-6 Permit And Fee.

[1960 Code, Sec. 5.12.255]

- (A) Before any sign may be placed over City property, application therefor shall be made to the City Clerk and approval given by the City Council or by an authorized City official. There shall be no fee or charge for said permit unless said sign is supported either from City property or some portion of the support extends over City property and is less than seven feet in height.
- (B) When a sign over City property is supported either from City property or some portion of the support extends over City property and is less than seven feet in height, permit therefor when approved, shall be issued by the City Clerk only upon payment of a fee of \$25, if the sign has an overall area of 20 square feet or less. If the area is more than 20 square feet, the fee shall be \$25, plus \$5 for each square foot or fraction over 20 square feet. Only one face shall be considered when measuring the area. The fee shall apply each calendar year or fraction thereof, with no proration for a shorter period.
- (C) Owners of signs in place on January 1 of each year shall pay for a renewal permit at the same rates applicable to newly erected signs on or before January 31. Renewal permits obtained February 1 or thereafter shall be subject to the penalties and fines set forth in Section 8-10-8 of this chapter, retroactive to January 1.
- (D) As a part of the application for the permit the applicant shall therein agree to hold harmless the City against any and all claims, demands or judgments resulting from injuries or damages attributable to said sign.

§ 8-10-7 Nonconforming Signs.

[1960 Code, Sec. 5.12.256; amended 5-15-2023 by Ord. No. 2023-1005]

No sign, not in conformance with Section 8-10-2 of this chapter, shall be placed upon or over City property. All such signs in place are subject to immediate removal by City official, regardless of notice to the owner of said sign. The City official will keep it for a reasonable amount of time before disposing of it. Temporary signs placed in front of a business shall not be considered to be in violation of any portion of this ordinance, so long as they do not cause a safety hazard and are only on display during normal business hours.

§ 8-10-8 Penalties.

[1960 Code, Sec. 5.12.257]

- (A) **No Permit:** Any person who erects, or causes to be erected, a sign within the meaning of Section 8-10-1 of this chapter, without having first obtained a permit to do so shall pay a penalty of \$75 ~~10~~ for the first day said sign is erected, plus \$10 ~~1~~ for each succeeding day it is allowed to remain erected, until a permit is granted and issued, and said permit shall not be issued until the total penalty to date has been paid.
- (B) **Nonconformance:** Any person who places or causes to be placed a nonconforming sign on or over City property, shall pay, upon conviction, a fine of \$755 for the first day of violation and \$101 for each succeeding day. If a nonconforming sign is not removed ~~within 24 hours~~ after notice to remove has been given by an authorized City official, said sign shall be removed by City employees and the cost therefor charged to the owner.

§ 8-10-9 Special Occasion Permits.

[1960 Code, Sec. 5.12.258; amended 5-15-2023 by Ord. No. 2023-1005]

Upon petition showing that the general welfare of the community will be served and fostered, the Street Department Superintendent or their may grant permission for individuals, businesses, associations or any other groups to erect signs, banners or decorations, exhibit or offer for sale merchandise, or otherwise conduct sundry activities upon City property. Said permission shall be granted only on a day to day basis for the duration of the special occasion. All special occasion signage must be removed within two days of the end of the event.

8-11 Park Regulations

§ 8-11-1 Control.

[Ord. 65, 10-17-1977]

The control of all parks within the City of Lincoln, Illinois, shall be vested in the Lincoln park district board of commissioners who may delegate such control to the directors of said district, the superintendent of maintenance, the policemen or other officers or employees of the district, designated by the board of commissioners; all such control to be at the pleasure of the park commissioners.

§ 8-11-2 Hours.

[Ord. 65, 10-17-1977]

All parks within the City of Lincoln shall be closed to the public from **dusk til dawn** ~~10:00 p.m., prevailing standard time in the evening until 6:00 a.m., prevailing standard time the following morning,~~ provided, however, that parties may engage any of the parks or park facilities for longer or later hours, but only on written applications to the person or persons in charge of said facilities, or any parties who are participating in an organized activity approved and sanctioned by the Lincoln park district may engage any of the parks or park facilities for a longer or later hour. All persons, except the employees of the Lincoln park district, whose duties require their presence, persons who have obtained permission for longer hours, or persons participating in an organized activity approved and sanctioned by the **City Council** ~~Lincoln park district,~~ shall leave the parks promptly at **dusk** ~~10:00 p.m.,~~ and shall not return before **dawn** ~~6:00 a.m.~~ of the following morning.

§ 8-11-3 Refuse And Trash.

[Ord. 65, 10-17-1977]

No person shall litter, or suffer or cause to be littered, any of the grounds, driveways, fountains, gardens, walkways, restrooms, shelters or other structures in parks in the City of Lincoln, ~~by scattering or leaving paper, garbage, bottles, cans, boxes or other refuse therein, except in the receptacles provided therefor.~~

§ 8-11-4 Brine.

[Ord. 65, 10-17-1977]

No person shall pour or suffer or cause to be poured any brine or briny water, any automobile radiator drainage, any crankcase drainage or any other injurious substance upon any grass, shrubbery or trees within any park within the City. Included is a prohibition against washing and/or repairing any vehicle in any park, walkway or driveway in said park.

§ 8-11-5 Defacing Property.

[Ord. 65, 10-17-1977]

No person shall climb any trees, pluck any flowers or fruit, either wild or cultivated, or break, cut down, tramp upon, remove or in any manner deface, mar, injure, or mutilate any trees, shrubs, flowerbeds, turf, fence, statue, ornament, gate, building, structure, tools, implements, vehicles, cars, light standards or play equipment, within any parks, boulevards, or public places, or any such property of any patron of, or visitor to, said parks.

§ 8-11-6 Firearms And Other Missiles.

[Ord. 65, 10-17-1977]

No person shall fire or discharge any air gun, gun, pistol, rocket, torpedo or other firearms, nor throw any stones, rocks or other missiles, nor carry any firearms within any of the parks, boulevards, or public places, except that he be authorized so to do by the park board commissioners, the director, Chief of Police of the City of Lincoln or other officers

authorized to give such permission. No person shall shoot any bow and arrow, toss any darts, or other missiles within any of the parks except at such places as may be designated and provided for that purpose and under proper supervision.

§ 8-11-7 Intoxication.

[Ord. 65, 10-17-1977]

~~No person shall enter any of the parks situated in the City while in an intoxicated condition, nor shall remain therein while in an intoxicated condition, whether intoxicated at the time of entering the park, or if becoming intoxicated after entering the park.~~

§ 8-11-8 Intoxicating Liquors.

[Ord. 712, 6-7-2010]

No person shall bring into the parks situated in the City, any malt, spirituous, vinous, fermented or intoxicating liquors or beverages, nor shall any person while in any of the parks have in their possession any such malt, spirituous, vinous, fermented or intoxicating liquors or beverages while in any park, except as authorized by the City Council after appropriate petition under Section 3-7-19 of this Code.

§ 8-11-9 Fires.

[Ord. 65, 10-17-1977]

No person shall build any fires in any of the parks in the City except in such places as have been, or may thereafter be provided for such purposes, and no person, who has built any such fire within any such park, shall leave the place where such fire was built without first completely extinguishing the same, in the manner prescribed by the national park service, unless in a stove or grill provided for that purpose.

§ 8-11-10 Disturbing The Peace.

[Ord. 65, 10-17-1977]

Whoever wilfully disturbs the peace and quiet of any park or adjacent territory by loud or unusual noises or by tumultuous, profane, or offensive carriage, threatening, traducing, quarrelling, challenging to fight, or fighting, or whoever in a threatening manner displays any pistols, knives, slingshots, metal knuckles, firearms or other deadly weapons, or in any manner disturbs the peace and orderly use of such park or territory, shall be deemed guilty of disturbing the peace and shall be subject to the penalty hereafter provided.

§ 8-11-11 Lewd And Indecent Acts.

[Ord. 65, 10-17-1977]

Whoever commits or performs a lewd, lascivious, indecent, or lustful act in any of the parks in the City, with the intent to produce voluptuous or lewd emotions, or to stimulate or gratify lust, passion or sexual desire of other persons, shall be deemed guilty of lewd and indecent conduct and shall be fined as hereinafter provided.

§ 8-11-12 Clothing.

[Ord. 65, 10-17-1977]

No person shall enter nor remain in any park in the City unless fully clothed in a manner generally considered to be appropriate for the game, sport or amusement in which the person is engaged, and only if said sport or amusement is authorized by the park district board.

§ 8-11-13 Dogs.

[Ord. 65, 10-17-1977]

No dogs shall be taken into the parks in the City except on a leash and when accompanied by the owner or other proper person. Dogs running at large within the parks may be apprehended and removed from the parks to an animal shelter, public pound or other place in, or in the vicinity of, the park provided for that purpose. **The dog park located on Eighth St. has its own rules; which are posted at the park.**

§ 8-11-14 Solicitation, Offering For Sale Or Sell.

[Ord. 65, 10-17-1977]

No person, **groups, or organizations** shall solicit alms, or contributions for any purpose whatsoever, whether public or private, within any of the parks without having first obtained authorization from the **City Council** ~~park commission~~. Nor shall any person offer to sell, sell or exchange any article or thing, or do any hawking, peddling, or soliciting of sales, or buy, or offer to buy any article or thing, or to make up, receive, or solicit for contributions or money any other thing of value, in any of the parks, except when authorized to do so by the **City Council** ~~park commission~~ by special permit granted for that purpose, or when acting under any contract or concession entered into with the **City Council** ~~park commission~~, as provided herein and provided by law.

§ 8-11-15 Public Assemblage And Meetings.

[Ord. 65, 10-17-1977]

No person, groups of persons, associations or corporations shall call or hold any public meetings or assemblage or give or conduct any concert, performance or public exhibition or entertainment of any kind in any of the parks without first applying to the **City Council** ~~park commission~~ for permit so to do, setting forth the purpose of the proposed meeting or assemblage, the place and time sought, and the approximate number of participants and spectators expected to be involved. Upon the receipt of such application the **City Council** ~~park commission~~ may grant or refuse to grant the same, in whole or in part, and no such meeting shall be held except in accordance with the permission so granted.

§ 8-11-16 Fees And Indemnifying Bond.

[Ord. 65, 10-17-1977]

Any person, persons, associations or corporations desiring to make use of the facilities of the parks in the City for any meeting, contest, exhibition, entertainment, assemblage or other gathering for which permission has been granted shall, before such meeting, gathering or assemblage, pay such fees as the **City Council park commission** may require to cover the cost of moving benches, tables, and other equipment desired to be used for such meeting or to cover light, heat and janitorial services. If in the opinion of the **City Council park commission**, it seems wise so to do, an indemnifying bond, with acceptable sureties in an amount prescribed by the **City Council park commission** may be required, conditioned upon indemnifying the **City of Lincoln Lincoln park district** from any litigation, loss, damage or expense it may incur or sustain by reason of the holding of such meeting, assemblage or gathering. Until such bond, when required, has been given and approved, such meeting, assemblage or gathering shall not be held.

§ 8-11-17 Sports.

[Ord. 65, 10-17-1977]

~~No person or group of persons shall play golf, fly model airplanes, play baseball (also known as hardball) or horseshoes, except at such places as may be designated and provided for that purpose and under the supervision of an organized recreation program.~~

§ 8-11-18 Keep To Drives.

[Ord. 65, 10-17-1977]

No person except authorized employees of the Lincoln park district shall drive any motor vehicle, including an automobile, motor scooter, motorcycle, bicycle or other motor vehicle, in any of the parks of the City except upon the driveways and other places provided for driving and parking the same.

§ 8-11-19 Speed.

[Ord. 65, 10-17-1977]

No person shall drive any motor vehicle, including automobile, motorcycle, or motor scooter, upon any of the driveways or boulevards in the City at a greater rate of speed than is established by law or is reasonable and proper, having regard to the traffic and the use of such driveways and boulevards, or so as to endanger the life, limb, or property of any persons using the same, or upon the property of the park district adjoining or adjacent to such driveways and boulevards. Nor shall any person at any time race any vehicle with the driver of any other vehicle, or with any person whomsoever, upon any such driveways, boulevards or property of the City.

§ 8-11-20 Eviction.

[Ord. 65, 10-17-1977]

Any person violating any of the foregoing provisions of this chapter may be forthwith evicted from the parks by ~~any officer of the park district or~~ any officer of the law authorized to enforce this chapter.

§ 8-11-21 **Penalties.**
[Ord. 65, 10-17-1977]

Any person violating any of the foregoing provisions of this chapter, except for Section 8-11-7^[1] of this chapter, shall upon conviction pay a fine of not less than \$75-10 and not more than \$500 200 for each offense, to be recovered in the manner and form as is provided by law.

[1]

See also Section 6-4-16 of this Code.