

VILLAGE OF BISMARCK

---

ORDINANCE NO. 2008 – 6  
AN ORDINANCE REGARDING PUBLIC WORKS

---

ADOPTED BY THE  
CORPORATE AUTHORITIES  
OF THE  
VILLAGE OF BISMARCK

December 16, 2008

---

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bismarck, Vermilion County, Illinois, the 16th day of December, 2008.

**ORDINANCE NO. 2008 – 6**  
**Of the Village of Bismarck**  
**Vermilion County, Illinois**

**AN ORDINANCE REGARDING PUBLIC WORKS**

**Purpose:** Whereas the purpose of this ordinance is for the protection of the public at large as well as the protection of public property and interests.

**NOW THEREFORE** be it ordained by the President and Board of Trustees of the Village of Bismarck, Vermilion County, Illinois, that this Public Works Ordinance be and the same is hereby adopted;

**Section 100.01 RESPONSIBILITIES**

Public Works shall fall under the jurisdiction of the Public Works Committee and/or the Village Mayor reporting to the village board which will have final authority.

**Section 100.02 SURVEY STAKES**

It shall be unlawful for any person to willfully change or remove any stake, post, or cornerstone set to designate the corner or line of any lot or land, street or alley, or set to designate the grade of any street, alley, sidewalk, or public work.

**Section 100.10 DAMAGE OF PUBLIC PROPERTY**

It shall be unlawful for any person to intentionally or unintentionally damage, mark, deface, scratch, climb, or in any other manner injure, or attempt to deface, any public property, structure, sign or traffic control device whether permanent or temporary. All signs damaged or removed during any construction shall be replaced in like-new condition.

Any offender shall be punished as provided in Section 100.125 “Fines” and shall be liable for damages and the cost of repairs or replacement and legal fees.

**Section 100.20 GATES SWINGING OVER SIDEWALKS**

All gates opening on any public street, alley, or sidewalk shall be constructed not to swing out on or over any public area.

## **Section 100.30 SNOW REMOVAL; GRASS CLIPPINGS**

It shall be unlawful for any property owner or his representative to deposit snow, leaves, or grass clippings from private property onto any public property, street, or sidewalk. This will help facilitate cleaner storm sewers.

## **Section 100.40 DEFINITIONS:**

### **"CONSTRUCTION EASEMENT AREA"**

That area lying between the project right-of-way limits and the platted street limits within which the village, by concurrence in the establishment of the project right-of-way lines, will permit the contractor 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 public or village property or right-of-way or the roadway right-of-way.

### **"PERMISSIBLE ENCROACHMENT"**

Any existing awning, marquee, advertising sign, 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 traffic nor impair visibility 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 village, township, county, state, and/or the federal highway administration which will be free of encroachments except 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.

### **"VILLAGE ENGINEER"**

The term "Village Engineer" shall include his/her designated representative.

**"HOMEOWNER"**

Owner occupied residence.

**"CONTRACTOR"**

Any paid or unpaid entity performing work on property other than his/her own personal residence.

**Section 100.50 PERMITS REQUIRED**

Before any sidewalk, street, alley, storm/sanitary sewer, right-of-way or village property shall be used under the provisions of this Section a permit must in every case be obtained from the Public Works Committee and/or the Village Mayor. Permit fees shall be:

Contractor performed:     **\$ 100.00**  
Homeowner performed:    **\$ 25.00**

**Section 100.70 CONTRACTORS PERMIT REQUIRED**

No contractor shall construct, reconstruct, or repair any sidewalk, street, alley, driveway, storm/sanitary sewer, or any other project on any public street, alley, or public area in the village without obtaining a permit from the Public Works Committee and/or the Village Mayor or the Village Engineer.

**Section 100.71 SUPERVISION OF WORK**

The construction of sidewalks, driveways, alley, storm/sanitary sewers and other projects and the materials used therein shall be under the supervision of the Village Public Works Committee and/or the Village Mayor and/or the Village Engineer or the representative whose duty shall be to see that all work constructed under the jurisdiction of Section 100.000 through 100.130 is constructed in strict compliance with its provisions.

**Section 100.72 CLOSING OR BARRICADING STREETS OR ALLEYS**

(A) No person or contractor shall close or partially close, by barricading or otherwise, any public street, alley, sidewalk, public area, or right-of-way in the village without obtaining a permit from the Village Public Works Committee and/or the Village Mayor.

(B) Street barricades shall be inscribed with the name of the company, person, or corporation using it. The inscription shall be stenciled in block letters no smaller than five (5) inches.

### **Section 100.73 EQUIPMENT ON STREETS**

It shall be unlawful for any person, either by himself, his agent, or employee to operate any equipment which might cause damage across, along, or on any of the streets and/or walks, and/or public areas in the village. For every violation of this section the person and/or company shall be punished as provided in Section 100.125 and shall be liable for all damages resulting to the property together with the cost of prosecution.

### **Section 100.74 PEDESTRIAN PROTECTION**

During construction or repair of nearby projects, the permit holder shall protect pedestrians as directed by the village.

### **Section 100.75 NOTIFICATIONS OF POLICE, FIRE, AND AMBULANCE DEPARTMENTS**

On issuing a permit, the Public Works Committee and/or the Village Mayor shall require the contractor to immediately notify the chiefs of the police and fire departments as well as ambulance service or the village by forwarding to each of them a copy of the permit as well as written notification of how long the project will take and location of construction areas.

### **Section 100.76 TEMPORARY PATCHING**

All excavations located in any public property, street, alley, or sidewalk, while awaiting permanent patching, shall be temporarily smooth patched with a minimum of eight inches of compacted CA-6 stone and at least two inches of asphaltic "cold patch" material. All excavations in streets, alleys, or sidewalks shall be temporarily patched within 24 hours of backfilling the excavation. This material shall be compacted in place and maintained by the contractor until a permanent patch is installed and village-approved in no more than 180 days from completion.

## **Section 100.77 SIDEWALKS**

(A) No public property, sidewalk on any public street, alley, or highway shall be torn up or removed without a permit issued by the Village Public Works Committee and/or the Village Mayor or the Village Engineer.

(B) No water from any building or premises shall be allowed to spread over any sidewalk or street and no open drain shall extend across any sidewalk. If temporarily built, must be covered and substantially boxed and must be kept in repair so there is no interference with the level of the sidewalk and approved by the Public Works Committee and/or the Village Mayor and/or the Village Engineer.

## **Section 100.80 BOND**

(A) Any person designated as contractor engaging in the construction of a permanent street, sidewalk, driveway, or storm/sanitary sewer, or public area either for himself or for the owner of property abutting on the sidewalks, driveway, street or public area shall execute a surety bond in the sum of \$10,000 to the village. The bond shall be approved by the Village Public Works Committee and/or the Village Mayor or the Village Engineer, conditioned that the contractor will comply with the provisions of Section 100.00 through 100.130 and other ordinances and or specifications of the village and hold the village harmless from any and all damages caused by the negligence of the contractor or his employees while occupying the streets, sidewalks, other village property during the construction of sidewalks, driveways, storm/sanitary sewers or other projects; for any faulty, defective, or negligent construction of streets, sidewalks, driveways, storm / sanitary sewers or other projects; for contractor's failure to construct the street, sidewalks, driveways, storm/sanitary sewers, or other projects in accordance with the plans and specifications for streets, sidewalks, driveways, storm/sanitary sewers, or other projects. The contractor shall maintain streets, sidewalks, driveways, storm/sanitary, or other projects so constructed in good condition and repair for a period of 3 (three) years after they have been completed and accepted by the Public Works Committee and/or the Village Mayor or the Village Engineer. The contractor and surety shall further agree that they shall be liable to the village or any person for any damage, loss, or expense caused by reason of the contractor's failure to construct the street, sidewalk, driveway, storm/sanitary, or other projects and perform in accordance with the specifications of the village, and the decision of the Public Works Committee and/or the Village Mayor or the Village Engineer, or duly authorized representative, that any project constructed by any contractor is in need of repairs, shall be final and binding on the contractor. New bonds shall be given at the request of the Public Works Committee and/or the Village Mayor or the Village Engineer but the new bonds shall not operate to release any liability or right of action arising out of any existing bond.

(B) No permit shall be issued until a good and sufficient bond in the sum of no less than \$10,000.00 has been approved by the Public Works Committee and/or the Village Mayor or the Village Engineer and filed with the village. The

bond shall be conditioned for faithful compliance with the terms of the permit and with all the provisions of this ordinance, project specifications and other ordinances of the village pertaining to streets, alleys, sidewalks and storm/sanitary sewers or other projects. It shall be conditioned that the applicant will pay all damages for any property or person injured by the act or neglect of the applicant and of his agents, employees, and representatives in the use of the sidewalks, streets, alleys, and/or other village property. The applicant will save the village harmless from all claims or causes of action growing out of the use and the applicant will yield up, without delay, the sidewalk, and/or street, and/or alley and/or other village property, in the condition in which they were taken; provided a bond may be given at the beginning of or during the fiscal year of the village in the sum of no less than \$10,000 conditioned as above, which shall cover the use by the giver of the bond of not more than 2 (two) separate places at any one time of construction work as referred to in Section 100.30 through 100.35 throughout the fiscal year. Even though the bond is given, no part of any street, alley, sidewalk, storm / sanitary or other property of the village shall be occupied except after a permit has been required and received from the agent of the village.

(C) Any contractor desiring to have more than 2 (two) construction projects in operation at one time which require the use of street, alley, sidewalks, or other village property shall give additional bond in each instance conditioned as set forth in the amount of \$5000 for each additional project. The bond, once in effect, shall remain effective as a part of the original bond for the balance of the fiscal year.

### **Section 100.90 INSURANCE REQUIREMENTS**

Any person entering into a contract for the construction, reconstruction, or repair of any street, alley, sidewalk, driveway, storm/sanitary sewer, or any project on and or adjacent to a public street or public area shall, before any work is performed, procure from a reliable and responsible licensed insurance company a policy of insurance by its terms and effect insuring the village against liability under the state Workmen's Compensation Act for any accident or injury suffered by the contractor or any employee in the course of such construction. It shall also procure from a responsible insurance company a policy of insurance by its terms and effect for damage to a person or property that may be injured through the negligence of the contractor or his employees in and about the construction of any project. Coverage limits for this policy shall be a minimum of \$500,000 for property damage and \$500,000 for bodily injury or a combined single limit of \$1,000,000.

Any homeowner intending to construct, reconstruct or repair any sidewalk, driveway, storm/sanitary sewer, or perform any work on and or adjacent to a public street or public area without the use of a contractor shall, before any work is performed, provide the Village with acceptable and current proof of

Homeowners Liability Insurance having a minimum coverage limit of no less than \$500,000.

These copies of insurance policies or certificates of insurance shall be filed with and verified by the village clerk prior to the starting of the construction work. These policies of insurance shall be maintained throughout the entire construction period and until final inspection and approval has been received from the Village Mayor. The insurance shall be in addition to any other bonds required by this ordinance or other village ordinances.

### **Section 100.100 WARRANTIES**

All construction workmanship and materials within the village right-of-way or property shall be guaranteed for a period of no less than 3 years.

### **Section 100.110 INSPECTIONS; REPORT OF COMPLETED WORK**

All sidewalks, streets, alleys, driveways, storm/sanitary sewer and other projects shall be subject to the inspection and control of the village and shall be approved by the designee of the Public Works Committee and/or the Village Mayor and/or the Village Engineer. The contractor shall remove and replace any unsatisfactory work when so ordered, without reference to any previous oversight or lack of inspection. The contractor constructing a sidewalk, driveway, storm/sanitary sewer or any other project at village property under private contract shall, as soon as completed, report its completion to the Village Public Works Committee and/or the Village Mayor.

### **Section 100.115 ORDERING REPLACEMENT WORK; LIABILITY OF CONTRACTOR ON BOND**

The Village Public Works Committee and/or the Village Mayor, the Village Engineer, or Village designee may order any sidewalk, driveway, street, alley, storm/sanitary sewer, or project which has not been constructed in accordance with the approved plans and specifications to be taken up and replaced and the contractor shall be liable on his bond for failure to comply with this order within 30 days.



### **Section 100.120 ENFORCEMENT**

(A) The Public Works Committee and/or the Village Mayor or the Village Engineer or the designated representative shall have the power and authority to enforce this ordinance and to issue fines for any violation.

(B) The village shall have the right to apply to the administrative adjudication court for injunctive relief to restrain any violation of this ordinance, and the village shall recover its costs therein, including reasonable attorney's fees.

(C) The remedies of the village under this ordinance shall be cumulative and not exclusive of any other remedy available hereunder or at law or in equity.

### **Section 100.125 FINES**

Any person, firm or corporation who violate any of the provisions of this ordinance shall be fined not less than \$100.00 (one hundred dollars) or more than \$750.00 (seven hundred fifty dollars) and the cost of prosecution including attorney's fees and a separate offense shall be deemed committed upon each day during which a violation occurs, and/or continues, and/or exists.

### **Section 100.130 SUSPENSION OF PERMIT; APPEAL**

(A) Any permit issued under this ordinance may be suspended by the Village Public Works Committee designee and/or the Village Mayor or the Village Engineer for cause, upon written notice to the holder thereof at the address shown on the permit application. There is to be no refund or suspension of any fees paid or owed.

(B) Any person, firm or corporation whose permit issued under this ordinance has been suspended by the Public Works Committee designee and/or the Village Mayor or the Village Engineer shall have the right to appeal such suspension to the Mayor at any time within 5 days after the date of suspension. The appeal shall be in writing, signed by the appealing party, and shall set forth the specific grounds on which the suspension should be set aside. The Mayor shall set a hearing of the appeal at a time not more than 10 days after the appeal is filed. The appealing party and the village shall have the right to be represented by counsel at the hearing. The decision of the Mayor shall be final and conclusive, and appeal there from shall be as provided under the Illinois Administrative Review Act. There shall be no refund of any fees.

That this Ordinance shall be published in pamphlet form.

Adopted this 16th day of December, 2008, pursuant to roll call vote by the Corporate Authorities of the Village of Bismarck, Illinois, as follows, to wit:

Julie Boersma	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Absent
Dwayne Gettleman	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Absent
Mike Pundt	<input type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input checked="" type="checkbox"/>	Absent
Eldridge Dolin	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Absent
Lee High	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Absent
Karel Volpert	<input checked="" type="checkbox"/>	Aye	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Absent

Approved December 16, 2008.

---

Eleanor White, Village President

ATTEST:

(SEAL)

December 16, 2008

---

Beverly Madden, Village Clerk

Published in Pamphlet form December 16, 2008.

---

Beverly Madden, Village Clerk