



**Monday, November 5, 2018
5:30 PM**

CITY COUNCIL AGENDA

I. Call to Order

1. Roll Call
2. Pledge of Allegiance

II. Appearance of Citizens

Policy relative to Appearance of Citizens:

A 15 minute time period is provided for citizens to appear and express their views before the City Council. Each citizen who appears will be limited to 3 minutes. No immediate response will be given by City Council or City staff members. Citizens are to give their documents to the Police Officer for distribution to the Council.

III. Approval of Minutes

Approval of Minutes of October 15, 2018 City Council Meeting

IV. Unfinished Business

V. New Business

1. City Manager's Budget Update
2. Proclamations and Recognitions
3. Resolution Authorizing a Services Agreement with Call One for SIP Telecommunications Services
4. Resolution Accepting the Bid and Authorizing the Execution of a Contract with Homer Tree Care, Inc. for Removal of trees on City Property
5. Ordinance Authorizing the City of Decatur of Macon County, Illinois to Borrow Funds from the Water Pollution Control Loan Program, McKinley Sewer Rehabilitation Project, City Project 2017-22
6. Ordinance Authorizing the Installation of Stop Signs at the Intersection of North Gulick Avenue and West Center Street Facing West Center Street
7. Ordinance Amending City Code Chapter 41, Miscellaneous Street Regulations, Section 5. Buildings; Signs & Section 12. Permits for Use of Sidewalks and Public Places
8. Ordinance Amending City Code Chapter 44 Fire Prevention and Hazardous Materials Control
9. Ordinance Amending City Code Chapter 67 Building Code
10. Ordinance Amending City Code Chapter 67.2 Residential Building Code
11. Ordinance Amending City Code Chapter 68 Mechanical Code

12. Ordinance Amending City Code Chapter 69 Electrical Code
13. Ordinance Amending City Code Chapter 70 Property Maintenance Code
14. Consent Calendar: Items listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. If separate action is desired on any item, it will be removed from the Consent Calendar and considered separately.
 - A. Resolution Approving Reappointments - Decatur Metropolitan Exposition Auditorium and Office Building Authority (Civic Center Board Authority)
 - B. Receiving and Filing of Minutes of Boards and Commissions

VI. Other Business

VII. Adjournment

Council Information - Lake Decatur Watershed Protection Program - 3rd Quarter 2018 Report

Council Information - Agricultural Watershed Institute Progress Report - April - September 2018

CITY COUNCIL MINUTES
Monday, October 15, 2018

On Monday, October 15, 2018, the City Council of the City of Decatur, Illinois, met in Regular Meeting at 5:30 p.m., in the Council Chambers, One Gary K. Anderson Plaza, Decatur, Illinois.

Mayor Julie Moore Wolfe presided, together with her being Council members Pat McDaniel, Bill Faber, Lisa Gregory, David Horn and Chuck Kuhle were present. Councilwoman Dana Ray was absent. Six members present and one member absent. Mayor Julie Moore Wolfe declared a quorum present.

Interim City Manager Billy Tyus attended the meeting as well.

Mayor Julie Moore Wolfe led the Pledge of Allegiance.

Mayor Julie Moore Wolfe called for Appearance of Citizens.

Jim Taylor thanked U-Haul for not leaving Decatur after the rezoning did not get approved on Water Street.

Mayor Julie Moore Wolfe called for approval of the minutes.

The minutes of the October 1, 2018 Council meeting were presented. Councilman Pat McDaniel moved the minutes be approved as written; seconded by Councilwoman Lisa Gregory, and on call of the roll, Council members Bill Faber, Lisa Gregory, David Horn, Chuck Kuhle, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

Finance Director Gregg Zientara provided an update on the City's budget and responded to Council members' comments and questions.

Mayor Julie Moore Wolfe presented Stephen Decatur medallions to Ellen Hearn, Jill Davis, Marvin Sowers and Nicole Bateman for their America in Bloom efforts. Ellen Hearn accepted the medallion on behalf of Susan Avery who was unable to attend the meeting. Decatur won the People's Choice Award, Outstanding YouTube Video Award, Landscape Award and the Best Use of Social Media Award.

This being the time set aside for Unfinished Business and there being none, Mayor Julie Moore Wolfe called for New Business.

R2018-134 Resolution Authorizing a Professional Engineering Services Agreement with Intera Inc. for an additional Water Supply Plan, was presented. Councilman Pat McDaniel moved the Resolution do pass; seconded by Councilwoman Lisa Gregory.

Public Works Director Matt Newell responded to questions from Council regarding the agreement with Intera Inc.

Upon call of the roll, Council members Bill Faber, Lisa Gregory, David Horn, Chuck Kuhle, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2018-135 Resolution Authorizing Execution and Amendment of FY 2019 Downstate Operating Assistance Grant Agreement with Illinois Department of Transportation, was presented. Councilman Pat McDaniel moved the Resolution do pass; seconded by Councilwoman Lisa Gregory.

Upon call of the roll, Council members Bill Faber, Lisa Gregory, David Horn, Chuck Kuhle, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

2018-57 Ordinance Amending City Code Chapter 16 - Public Works, was presented. Councilman Pat McDaniel moved the Ordinance do pass; seconded by Councilwoman Lisa Gregory.

Upon call of the roll, Council members Bill Faber, Lisa Gregory, David Horn, Chuck Kuhle, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

2018-58 Ordinance Amending PD Planned Development District Located at 1800 E. Lake Shore Drive - St. Mary's Hospital, was presented. Councilman Pat McDaniel moved the Ordinance do pass; seconded by Councilwoman Lisa Gregory.

Economic and Community Development Director Ray Lai answered Council's questions regarding electronic messaging units.

Upon call of the roll, Council members Bill Faber, Lisa Gregory, David Horn, Chuck Kuhle, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

2018-59 Ordinance Amending I-OL Institutional Overlay District over the underlying O-1 Office District by incorporating the property at 301 West Hay Street, was presented. Councilman Pat McDaniel moved the Ordinance do pass; seconded by Councilwoman Lisa Gregory.

Councilman Chuck Kuhle questioned whether he should abstain from the vote since his wife is employed by DMH.

Assistant Corporation Counsel John Robinson responded that Councilman Kuhle did not have to abstain from the vote.

Upon call of the roll, Council members Bill Faber, Lisa Gregory, David Horn, Chuck Kuhle, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

R2018-136 Resolution Regarding Halloween Trick or Treat Hours, was presented. Councilman Pat McDaniel moved the Resolution do pass; seconded by Councilwoman Lisa Gregory.

Councilman David Horn made a motion to remove item three on page two which states “The activity should be confined to the neighborhood of the residence of the participants” due to concerns with neighborhood safety. Councilman Bill Faber seconded the motion.

Upon call of the roll to amend the Resolution, Council members Bill Faber, Lisa Gregory, David Horn, Chuck Kuhle, Pat McDaniel and Mayor Julie Moore Wolfe voted in favor of the motion. Mayor Julie Moore Wolfe declared the motion carried.

Upon call of the roll of the original motion, as amended, Council members Bill Faber, Lisa Gregory, David Horn, Chuck Kuhle, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

Receiving and Filing of Minutes of Boards and Commissions, was presented. Councilman Pat McDaniel moved the item do pass; seconded by Councilwoman Lisa Gregory.

Upon call of the roll, Council members Bill Faber, Lisa Gregory, David Horn, Chuck Kuhle, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

Mayor Julie Moore Wolfe called for other business. Councilwoman Lisa Gregory gave a brief update on the meeting of the working group that involves the City of Decatur, Decatur Park District and Decatur Public Schools District #61 and also the recruitment efforts of the City Manager. The working group met to continue to build on the mission statement and will meet in the near future to develop a strategic plan that will identify quick wins and long-term goals. The position of the City Manager has been posted and Council will interview candidates in the near future.

Councilman Bill Faber mentioned that the U-Haul facility on Mound Road has a very nice appearance, adds value to the community and fills a vacant retail space.

Councilman David Horn congratulated the America in Bloom organization and partners and believes that there could be a strong collaboration with the Decatur Audubon Society and Community Environmental Council in relation to improvements in urban forestry.

With no other business, Mayor Julie Moore Wolfe called for adjournment. Councilman Pat McDaniel moved the regular Council meeting be adjourned; seconded by Councilwoman Lisa Gregory, and on call of the roll, Bill Faber, Lisa Gregory, David Horn, Charles Kuhle, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

Mayor Julie Moore Wolfe declared the regular Council meeting adjourned at 6:15pm.

Approved _____
Kim Althoff
City Clerk

Information Technology

DATE: 11/5/2018

MEMO: 2018-09

TO: Honorable Mayor Julie Moore Wolfe and City Council

FROM: James Edwards, Director Information Technology Department

SUBJECT: City Telecommunications Contracts

SUMMARY RECOMMENDATION: Staff recommends that City Council approve the attached resolution, authorizing the Interim City Manager to sign and execute an agreement with Call One to utilize Synchronous Internet Protocol (SIP) technology for our external telecommunications needs. SIP will provide telephone data circuits for the City's voice telephone communications and will reduce future telecommunications expenses.

BACKGROUND:

The City's current voice telephone lines and usage contracts for local, long distance, and telephone data services are provided by Call One under existing agreements. SIP technology offers a more manageable and less costly model for delivery of voice communication through utilization of data networks instead of fixed copper (wired) services. We estimate that we will be able to save more than \$20,000 annually in telephone costs with this new system, savings made possible in large part because we are able to utilize the city's new fiber network.

Multiple SIP providers were compared including two local in-town providers. Our current telecommunications partner, Call One, has provided the most cost-effective proposal under a 3-year service agreement locking in costs to the City and will reduce City telephone expenses more than \$1,500 per month.

A secondary component of this proposal is a reduction in the long distance per-minute usage charges. Currently the City is paying .029 cents per minute for all long-distance calls and nothing for local calls. Under the new Call One SIP Service agreement the City will be paying nothing for the first 80,000 minutes for local and long distance, and only .015 cents per minute for minutes over 80,000. The City currently uses an average of 78,000 in combined minutes per month. Estimated average net savings for minutes usage is \$200 or more per month.

PRIOR COUNCIL ACTION: None

POTENTIAL OBJECTIONS: None anticipated

INPUT FROM OTHER SOURCES: None.

STAFF REFERENCE: Jim Edwards, IT Director, 450-2236

COPY: This agreement replaces an existing Call One agreement and will have a projected fixed savings of at least \$1,500 per month or \$18,000 per year.

ATTACHMENTS:

Description	Type
Council Resolution	Resolution Letter
Call One VOIP Services Quote and Agreement	Backup Material

RESOLUTION NO. R_____

**RESOLUTION AUTHORIZING A SERVICES AGREEMENT WITH CALL
ONE FOR SIP TELECOMMUNICATION SERVICES**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:

Section 1. That the Agreement presented to the City Council herewith from Call One for “SIP” telecommunications service be, and the same is hereby, received, placed on file and approved.

Section 2. That the Interim City Manager be, and he is hereby, authorized to sign said agreement on behalf of the City of Decatur, Illinois.

PRESENTED and ADOPTED this 5th day of November 2018.

JULIE MOORE WOLFE, MAYOR

ATTEST:

KIM ALTHOFF, CITY CLERK



VoIP

Customer Service Agreement

This Customer Service Agreement ("Agreement") authorizes Call One® Inc., with a principal place of business at 225 West Wacker, Floor 8, Chicago, IL 60606 ("Call One") to provide telecommunication services ("Services") to the customer identified immediately below ("Customer"). The Services provided hereby are subject to the Terms and Conditions set forth in this Agreement.

Customer Information

Company Name : City Of Decatur
Street Address : 1 Gary K Anderson Plz
Suite Number : _____
City, State : Decatur, IL,
Zip Code : 62523

Contact Name : James Edwards
Contact Phone : 217-450-2236
Contact E-Mail : jedwards@decaturil.gov
Contract Term (years) : 3

Sales Executive Information

Sales Executive : Lou Lombardo
Phone : 312 506-5028
E-Mail : llombardo@callone.com

Billing Contact Information

Billing Contact Name : _____
Billing Address : _____
Billing Suite Number : _____
Billing City, State, Zip : _____
Billing Contact Phone : _____
Billing Contact E-Mail : _____

1 GARY K ANDERSON PLZ, DECATUR, IL 62523

Broadband Services	QTY	Unit Price		Monthly
NNI - MPLS - 5M FastE	1	\$484.50		\$484.50
Call One SIP 1000	40	\$13.95		\$558.00
DID	350	\$0.20		\$70.00
Additional 911	349	\$0.50		\$174.50
Managed Equipment	QTY	Unit Price		Monthly
Adtran 90X	1	\$45.00		\$45.00
Installation Services	QTY	Unit Price	Amount Waived	One-Time
NNI - MPLS - 5M FastE	1	\$5,000.00	-\$5,000.00	\$0.00
Site Total	Monthly	\$1,332.00	One-Time	\$0.00

707 W SOUTH SIDE DR, DECATUR, IL 62521

Broadband Services	QTY	Unit Price		Monthly
5M Ethernet Over Fiber	1	\$335.75		\$335.75
Call One SIP 1000	40	\$13.95		\$558.00
DID	350	\$0.20		\$70.00
Additional 911	350	\$0.50		\$175.00
Managed Equipment	QTY	Unit Price		Monthly
Adtran 90X	1	\$45.00		\$45.00
Installation Services	QTY	Unit Price	Amount Waived	One-Time
5M Ethernet Over Fiber	1	\$5,000.00	-\$5,000.00	\$0.00
Site Total	Monthly	\$1,183.75	One-Time	\$0.00
Order Totals	Monthly	\$2,515.75	One-Time	\$0.00

Service/Additional Terms:

Special Construction Charges may apply to deliver service to the customer premise. These potential NRC's cannot be calculated until an order for service is generated. If there are NRC construction charges to deliver the service to the customer location, the charges will be presented to the customer and will be given first right of refusal to either pay the NRC charges or cancel the order.

By signing below, Customer acknowledges that it understands and accepts the rates, terms and conditions for the Service and that the signatory represents that he/she is duly authorized to execute this Agreement on behalf of the Customer.

_____	_____
Authorized Customer Signature	Date
_____	_____
Print name	Title.

CallOne authorized signature	
_____	_____
Print name	Date.

Terms and Conditions

- 1 Services.** Customer hereby orders the services described on the Customer Service Agreement (collectively, the "Services").
- 2 Acceptable Use.** Customer agrees to strictly comply with Call One's Acceptable Use Policy. To view Call One's Acceptable Use Policy, visit www.callone.com.
- 3 Term and Termination.** Each Service shall be provided for the minimum term ("Initial Term") specified in the applicable Service Order Form or attached pricing schedule. The Term of a Service shall commence upon the Start of Service Date. Unless either (i) Customer gives written notice of termination at least forty-five (45) days prior to the expiration of the Initial Term (but no earlier than 75 days prior to the expiration of such Initial Term) for any given Service; or (ii) Call One gives written notice of termination at least thirty (30) days prior to the expiration of the Initial Term for any given Service, the Service will automatically renew based on the "Initial Term" ("Renewal Term"). As used herein, the word "Term" will be used to refer collectively to both the Initial Term and any Renewal Term. If the Term of one or more Service(s) extends beyond the expiration of the Agreement, notwithstanding the language above, then the Agreement will continue to govern the provision of such Service(s) until the respective Terms for such Service(s) have expired. In no event will new Service Order Forms under the Agreement be permitted if the term of the Agreement has expired or been terminated. If Customer terminates this Agreement prior to the end of the term, or if Call One terminates this Agreement for breach by Customer, the Customer shall immediately pay a termination fee, not as a penalty but as liquidated damages, equal to the total of (i) FALSE of all Monthly charges ("MRCs") which would have come due for each remaining month had the Agreement not been terminated early, and (ii) One-Time charges ("NRCs") shown on the Customer Service Agreement, whether or not previously waived. If Customer cancels the Services before the Services are established, Customer shall be liable to Call One for all reasonable expenses incurred by Call One to process the order for Services, installing equipment and any special construction charges. Termination and cancellation charges are due within fifteen (15) days of the effective date of termination or cancellation.
- 4 Rates.** The MRC identified on the Customer Service Agreement will apply to the Services during the Term. Upon expiration of the Term, the Monthly Charge will revert to Call One's prevailing month-to-month rates for the Services unless Customer has (1) entered into a successor agreement or (2) canceled the Services, in each case effective as of the expiration of the Term. Charges for installation, service establishment and/or other NRCs incident to the Services will be as indicated on the Customer Service Agreement. Call One will also bill Customer as a separate line item all applicable federal, state and other governmental fees, surcharges and taxes. Fees, surcharges and taxes are subject to change.
- 5 Authorization.** Customer authorizes Call One to act as its agent for purposes of obtaining information on Customer's existing service(s) and to submit orders to reflect the Services ordered under this Agreement for the specific physical locations listed on the Customer Service Agreement and included in any supplement to this Agreement. This grant of agency shall remain in effect until revoked by Customer.
- 6 Inside Wiring.** The applicable rates for inside wiring provided directly by Call One to Customer are specified on the technician-charges page of the Call One website at www.callone.com. Inside wiring provided by a third party vendor will be billed at their applicable rates and charges. In addition, any installation charges identified on the Customer Service Agreement applies to the initial Service installation and does not include inside materials and wiring.
- 7 Liability.** The entire liability of Call One, if any, for damages to Customer or to any third party whether in negligence, tort, contract or otherwise, which may arise from Call One's performance or non-performance of the Services is limited to an amount equal to a prorated adjustment of applicable MRCs or license fees for the Services affected or any portion thereof. The foregoing limitation of liability includes any mistakes, omissions, interruptions, delays, errors or defects in transmission occurring in the course of installing and/or furnishing the Services. Call One shall not be liable for fraudulent or unauthorized use of the Services.
- 8 Applicability of Tariffs.** This Agreement orders Services at rates provided herein, and is subject to the terms and conditions set forth in Call One's then-applicable state tariff, which tariff is incorporated by reference. State tariffs are available through the regulatory page of the Call One website currently at www.callone.com. To view Call One's tariff, click here. Customer acknowledges all Services purchased pursuant to this agreement are for business purposes.
- 9 Assignment.** Customer may not assign this Agreement (by operation of law or otherwise) without the prior written consent of Call One, which consent will not be unreasonably withheld or delayed. Any prohibited assignment shall be void.
- 10 Entire Agreement.** This Agreement will legally bind the parties to the same extent as if manually signed. The terms contained in this Agreement and any documents referenced herein or on the Customer Service Agreement constitute the entire agreement between the parties with respect to the subject matter hereof, superseding all prior and contemporaneous understandings, proposals and other communications, oral or written.
- 11 Jurisdiction / Collection Costs.** Any action or proceeding arising out of or related to this Agreement, Call One's tariffs or the Services may be commenced in any state or Federal court or agency of competent jurisdiction in the State of Illinois. The Parties submit and expressly consent to the jurisdiction of such court or agency and expressly waive any right to a trial by jury. Call One shall be entitled to recover from Customer all reasonable collection costs, including attorneys' fees.
- 12 SD-WAN Equipment.** Call One owns and will continue to own any equipment used to provide SD-WAN Service. Call One reserves the right to charge customer for Equipment not returned within 30 calendar days upon termination of service at the following Rates:
\$ 1,620 - SD-WAN Edge Device 120
\$ \$5,940 - SD-WAN Edge Device 810
\$ 14,940 - SD-WAN Edge Device 1000

Customer Initials _____

Call One initials _____

Call One-Provided Hardware Terms and Conditions

1. In addition to the Services, Call One will also install the equipment which Call One, in its sole discretion, determines is necessary for Customer to use the VoIP services ("Call One Equipment") and provide remote support and on-site support emergency support for the Call One Equipment ("Maintenance Services").
2. Customer Responsibilities. Customer will allow employees and authorized representatives of Call One free access to the premises and facilities where the Equipment is to be maintained at all hours, and will provide electricity and a safe working environment. If during the term any person other than an employee or authorized representative of Call One performs any maintenance or service work on the Equipment, then the obligations of Call One hereunder shall immediately terminate.
3. Maintenance Services. Maintenance Services. Each request for Maintenance Services will be issued a trouble ticket and assigned a trouble ticket number for tracking. Customer requests for support bypassing the escalation process will be billed as a Time and Materials Project. Services performed outside of the hours of 8:30am - 5:00pm, Monday through Friday, excluding public holidays, shall be subject to additional fees. If Customer requests onsite service and no problem is found or reproduced, Customer shall be billed at the current applicable Time and Materials rates including all travel time and expenses. Customer must provide access to all Call One Equipment at all times reasonably requested by Call One, and provide electricity, a safe working environment, and such other assistance as is reasonably required by Call One.
4. Limitations on Maintenance Services. Maintenance Services do not include (i) additions, changes, relocations and removals of equipment; (ii) operating supplies and accessories; (iii) replacement of those component parts subject to normal wear and tear as a result of use which do not affect the operational condition of the Call One Equipment; or (iv) work required as the result of (a) specification or engineering changes; (b) negligent or intentional acts of Customer or any third party; (c) accident, casualty, neglect, misuse or any cause other than normal use in the manner described in the Call One Equipment specifications; (d) any act or event occurring external to the Call One Equipment, including without limitation, failures or malfunctions of the trunk or toll lines, cable or other equipment connecting the Call One Equipment to the telecommunications system of the operating telephone utility or abnormal power fluctuations or failures; (e) Customer's failure to provide the environment required by the Equipment specifications; (f) Customer's failure to fully perform its responsibilities under this Agreement; or (g) the use by Customer or any other third party of the Call One Equipment in combination with any other apparatus, device of other system not supplied, or approved as to such combined use by Call One.
5. Call One Equipment. Call One shall remain the owner of all Call One Equipment, and Customer shall (i) not grant any security interest in or otherwise encumber Call One Equipment, (ii) return all Call One Equipment promptly at the termination of this Agreement, or, at Call One's option, allow Call One to enter Customers' premises to recover the Call One Equipment, (iii) not configure or modify or move any Call One Equipment, (iv) obtain insurance against loss of or damage to the Call One Equipment, for the full value of the Call One Equipment and, at Call One's request, name Call One as an additional insured on Customer's policies covering the Call One Equipment, and (v) not remove any tags indicating that Call One is the owner of the Call One Equipment. Call One grants to Customer a personal, limited, non-transferable, non-exclusive, license (without the right to sublicense or create derivative works) to use the software and documentation necessary to operate the Call One Equipment during the term of this Agreement solely for Customer's own internal use of the VoIP Services in accordance with this Agreement. Customer may not decompile, reverse engineer or otherwise use any software code from any software provided by Call One or its suppliers. Some software necessary to fully utilize the full functionality of the VoIP Services may require Customer to accept additional terms and conditions required by the third-party providers of such software. Call One is not responsible for the configuration of, or internal equipment for, Customer's computers or other telephony equipment that may be necessary to make such equipment compatible with the VoIP Services. At Call One's discretion, any Call One Equipment may be new, recertified or refurbished. If Customer abuses, misuses or reconfigures any Call One Equipment, Call One will charge Customer for the Field Service Technician visit (if applicable) at Call One's current Time and Materials rates and the cost of any replacement equipment. Customer may not use equipment other than Call One Equipment that is not certified for use with the VoIP Service by Call One. Either Call One or other third-parties own and will continue to own the software used to provide VoIP Service.

Customer Initials _____

Call One initials _____



Addendum to Call One's Customer Service Agreement, Terms and Conditions

City of Decatur

Paragraph 11 (Jurisdiction / Collection Costs) of the Terms and Conditions of RFQ # 3592229086, CSA #34765, CSA #34767, and CSA #34779 shall be amended as follows.

Paragraph 11 (Jurisdiction / Collection Costs):

Notwithstanding the terms of this paragraph, any action or proceeding arising out of or related to this Agreement, Call One's tariffs or the Services may be commenced in Macon County, Illinois or Federal court or agency of competent jurisdiction in the State of Illinois. The Parties submit and expressly consent to the jurisdiction of such court or agency and expressly waive any right to a trial by jury. The substantially prevailing party shall be entitled to collect its reasonable attorney's fees and costs in a collection action.

Authorized Customer Signature

Call One Authorized Signature

Print Name

Print Name

Date

Date



Alternate 911 Service Acknowledgment

Customer acknowledges that that in some circumstances, including those listed in Section 2 of the VoIP Cloud PBX and VoIP SIP Trunking Addenda to Customer Service Agreement, E911 service may not be available through the VoIP Service or may be limited in comparison to traditional E911 service.

Customer initials _____

Call One initials _____

Public Works

DATE: 10/26/2018

MEMO: 2018-54

TO: Honorable Mayor Moore Wolfe and City Council Members

FROM: Billy Tyus, Interim City Manager
Matt Newell, Public Works Director
Deborah M. Perry, Purchasing Supervisor

SUBJECT: Resolution Accepting the Bid and Authorizing the Execution of a Contract with Homer Tree Care, Inc. for Removal of trees on City Property.

SUMMARY RECOMMENDATION: Staff recommends awarding a contract for tree removal on various City rights of way to Homer Tree Care, Inc. in the amount of \$39,786.

BACKGROUND:

The boulevard trees are large dead and dying trees consisting mainly of ash trees which are being attacked by the Emerald Ash Borer and have been identified as potential hazards.

Contractors for City Projects shall comply with City Code Chapter 28, Article 10, "Minority Participation Goals for Public Works Contracts".

Contractors for City Projects shall make a good faith effort to comply with the following minimum goals:

1. Ten(10) percent of the total dollar amount of the contract should be performed by Minority Business Enterprises if subcontracting opportunities are available; and,
2. Eighteen (18) percent of the total hours worked should be performed by minority workers.

Subcontracting is not a requirement for City Projects. Homer Tree Care, Inc. will self-perform 100% of the contract. Homer Tree Care, Inc. has provided documentation showing good faith effort was made to comply with the goals.

PRIOR COUNCIL ACTION: None

POTENTIAL OBJECTIONS: There are no known objections.

INPUT FROM OTHER SOURCES: Municipal Services Division of the Public Works Department requested the removals and wrote the specifications.

STAFF REFERENCE: Matt Newell, Director of Public Works, Dan Mendenall, Municipal Services Manager, and Randy Callison, City Forester and Property Maintenance Supervisor. Matt Newell will be in attendance to answer any questions the Council may have about this purchase.

BUDGET/TIME IMPLICATIONS: Funds budgeted in Hazardous Tree Removal line item in the Forestry Operating budget.

ATTACHMENTS:

Description	Type
2018-54 Resolution Accepting the Bid and Authorizing the Execution of a Contract with Homer Tree Care, Inc. for Removal of Trees on City Property	Resolution Letter
2018-54 Bid Tab	Backup Material
2018-54 Tree Removal Map Area 1	Backup Material
2018-54 Tree Removal Map Area 2	Backup Material
2018-54 Tree Removal Map Area 3	Backup Material

RESOLUTION NO. _____

**RESOLUTION ACCEPTING THE BID AND AUTHORIZING
THE EXECUTION OF A CONTRACT WITH
HOMER TREE CARE, INC.
FOR REMOVAL OF TREES ON CITY PROPERTY**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:**

Section 1. That the tabulation of bids received for Removal of Trees on City Property, and presented to the Council herewith, be received and placed on file.

Section 2. That the bid of Homer Tree Care, Inc., in the amount of \$39,786 be, and it is hereby, accepted and a contract awarded, accordingly.

Section 3. That the Mayor and City Clerk be, and they are hereby, authorized and directed to execute a contract attached as Exhibit "A" between the City of Decatur, Illinois, and Homer Tree Care, Inc., for their bid price of \$39,786.

PRESENTED and ADOPTED this 5th day of November 2018.

Julie Moore Wolfe, Mayor

ATTEST:

Kim Althoff, City Clerk

INVITATION TO BID



**CITY OF DECATUR
PURCHASING DIVISION - 1ST FLOOR
#1 GARY K. ANDERSON PLAZA
DECATUR, ILLINOIS 62523
(217) 424-2762**

BID NUMBER:	#PUR2018-04
BID TITLE:	TREE REMOVALS VARIOUS LOCATIONS
BID DATE AND TIME:	October 17, 2018 10:00 A.M.

NOTICE TO BIDDERS

The City of Decatur will receive sealed bids to furnish tree removal at various locations.

Bids will be accepted until 10:00 a.m., Central Time, on October 17, 2018 at the City of Decatur, Purchasing & Internal Services Division, #1 Gary K. Anderson Plaza, Decatur, Illinois, 62523 at which time they will be publicly opened and read. Bids shall be submitted to the Purchasing Office on the first floor of the Civic Center.

All bids must be marked in the bottom left-hand corner with the following: "SEALED BID FOR TREE REMOVAL VARIOUS LOCATIONS, #PUR2018-04. Specifications and proposal forms may be obtained from the Purchasing Office on the first floor of the Civic Center, #1 Gary K. Anderson Plaza, Decatur, Illinois 62523.

The following Minority Participation Goals for Public Works Contracts are in effect for this contract:

- (1) Ten percent (10%) of the total dollar amount of the contract should be performed by minority business enterprises; and,
- (2) Eighteen percent (18%) of the total hours worked should be performed by minority workers.

All Contractors shall provide evidence of meeting the City's minority participation goals prior to the award of this project and prior to all payments made for work completed or provide the City of Decatur documentation on their good faith effort to comply with the participation goals. Required information and documentation is included in the Project Manual and is to be submitted with the bid proposal.

The Council of the City of Decatur, Illinois reserves the right to accept, renegotiate or reject any or all proposals and to waive any variance from the requirements of the instruction for bidders. The Council further reserves the right to award the contract to the bidder which, in the opinion of Council, will best serve the public interest, and the criteria listed herein shall be subordinate to the discretion of Council with regard thereto. At the discretion of the Council, required items may be submitted after the bid opening if there is sufficient compliance with instructions at the time of the bid opening to permit the City to determine the price bid.

Illinois Human Rights Act applies.

Questions regarding these specifications should be directed to Deborah M. Perry (217) 424-2762.

City of Decatur

Deborah M. Perry
Purchasing Supervisor
October 4, 2018

TERMS & CONDITIONS

001 GENERAL INFORMATION

The enclosed specifications constitute the complete set of specification requirements and bid forms. Bidders should thoroughly examine the drawings, specifications, schedules, instructions and all other contract documents. Each bidder by making a bid represents that the bidder has read and understood the bidding documents and has bid in accordance therewith. Failure on the part of the bidder to comply with all of the instructions could result in the bid being disqualified.

The bid is to be filled out entirely, signed and the entire document sealed in an envelope with the bid number and title on the outside and mailed or delivered in person to the Purchasing Division on or before the specified time.

For information concerning this bid please contact:

City of Decatur
Purchasing & Internal Services Division
#1 Gary K. Anderson Plaza
Decatur, Illinois 62523-1196
(217) 424-2762

002 BID FORMS

Bids are to be submitted on the attached Bidder's Proposal Form furnished by the City of Decatur. NO OTHER FORMS WILL BE ACCEPTED. Bids not submitted on the attached bid form shall be rejected. Bid proposals or vendor quotation forms will not be accepted. The form should be filled out in ink or typewritten. (Do not include more than one bid per envelope).

Extreme care should be taken in completing the bid form, including proper bid identification as it becomes the actual contract if you are awarded the bid. When necessary this form may contain any trade-in information. This form can also be used to provide an alternate proposal so long as it meets the technical specification. If you fail to name a substitute it will be assumed that you are bidding on the commodities or service identical to the bid standard.

003 BID IDENTIFICATION

Once your bid is completed it should be placed in an envelope and sealed. It is the bidders responsibility to ensure that bids are sealed prior to delivery to the Purchasing Division. The following information must be clearly shown on the outside of the sealed bid envelope: vendor name and address, bid title and/or bid number. If the bid is not properly identified, it will be disqualified since it will have to be opened to determine the proper requisition and opening date.

The exception would be for an informal quotation - the due date and item description should appear on the envelope.

When bids are submitted through a courier service, each bid must be sealed in the envelope with all required information identified above and placed inside the courier envelope.

004 BID SIGNATURE

The bid signature page must be returned with your bid. This page should be filled out entirely and signed in ink by an authorized representative or agent of the company submitting the bid. An unsigned bid could be automatically disqualified, even if the bidder or his representative is present at the bid opening on the day and time specified in the Invitation to Bid.

005 BID SUBMISSION

Formal bids submitted through a facsimile machine or telephone are not valid and will not be considered. Only written bids in sealed, properly marked envelopes will be accepted.

The exception would be informal quotations which may be faxed.

006 F.O.B. POINT

All prices quoted herein will be on an F.O.B. Destination basis: Decatur, Illinois. Bid proposals showing other than F.O.B. Destination will not be accepted. Exact delivery location of building will be indicated on the purchase order.

007 DELIVERY

Unless actual date is specified (or if specified delivery cannot be met), show the number of days required to make delivery after receipt of purchase order in space provided. Delivery shall be Monday thru Friday, 8:00 a.m. to 4:00 p.m. excluding City of Decatur holidays.

008 FREEDOM OF INFORMATION ACT

Effective January 1, 2010: All documents and records in the possession of contractors, sub-contractors, and any other person employed by the contractor or sub-contractor to perform a governmental function on the City's behalf and directly related to the governmental function are subject to the Illinois Freedom of Information Act. The contractor or successful bidder shall agree to cooperate fully with the City to ensure the City's compliance with the Freedom of Information Act and agrees to hold the City harmless and indemnify it for any failure to so comply.

009 DURATION OF AGREEMENT

Unless otherwise stated, the price and conditions stated in this bid shall be in effect for a period of one year from the date of issuance of a notice to proceed, or date of executed contract, whichever is later.

010 PROTECTION AGAINST PRICE INCREASE

The prices quoted shall not be subject to increase at any time during the contract period or any contract extension period.

011 QUANTITIES

The City of Decatur specifically reserves the right to accept all or any part of the bid, to split the award, to increase or decrease the quantity to meet additional or reduced requirements of the City, without such change affecting the contract unit price set forth in the proposal form by the bidder. The City reserves the right to purchase additional quantities at the price bid for a period not to exceed 90 days from the notice to proceed. If additional quantities are not acceptable, the proposal sheets must be noted "Bid for specified quantity only". In the case of annual supply contracts, the price bid will be for a period of 12 months unless otherwise stated.

012 VARIATIONS

For purposes of bid evaluations, bidders must indicate any variances to the specifications, terms and conditions, no matter how slight. If variations are not stated in the proposal, it shall be construed that the bid fully complies with the specifications, terms and conditions.

013 BID CONTACT

Direct contact with City Departments other than Purchasing on the subject of this bid is expressly forbidden except with the foreknowledge and permission of the Purchasing Supervisor or designated representative.

014 QUALIFICATIONS OF BIDDER

The City may make such investigations as it deems necessary to determine the ability of the bidder to perform the work and the bidder shall furnish to the City all such information and data for this purpose as the City may request. The City reserves the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the City that such bidder is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein. Conditional bids will not be accepted.

015 WARRANTY

The successful bidder shall fully warranty all goods and services proposed against defects. Should any defect occur on parts or labor excepting ordinary wear and tear, the successful bidder shall repair or replace same at no cost to the City immediately upon notice.

If an extended warranty beyond one year is required, the period of time will be specified.

All equipment supplied shall contain complete maintenance instructions and parts list.

016 NON-COLLUSION

The bidder must completely fill out the non-collusion affidavit attached and have it properly notarized.

017 VENDOR DEFAULT

The City of Decatur shall not accept bids from or award contracts to any person, firm, or corporation who is default on any obligation (ie: payment of taxes, license or other monies) to the City.

018 ADDENDA & CHANGES

Addenda are written documents issued by the City prior to the date for receipt of bids which modify or interpret the bidding documents by addition, deletions, clarification or corrections. During the course of a Invitation to Bid procedure changes may take place affecting the terms and conditions or the specifications of the bid.

If this is the case, a written addendum will be sent certified mail to all vendors who received the Invitation to Bid. The addendum will be on green colored paper.

019 BID OPENING

All formal bids are opened in public by the Purchasing Supervisor or designated representative, at the stated time, date, and place included in the Invitation to Bid. Bidders, interested reporters and the public are allowed and encouraged but not required to attend the formal bid opening. The bidder's name and amount of each bid are read aloud and recorded. No decisions relating to the award of the contract will be made at the opening.

020 LATE BIDS

The bid time will be and must be carefully observed. The responsibility of getting the bid to the City of Decatur Purchasing Division on or before the specified time and date is solely the responsibility of the bidder. Late bids received by the Purchasing Division after the time and date specified for opening must be rejected unopened, except in those rare cases where a bid has been misplaced or mishandled after receipt. Late bids will be returned unopened to the bidder along with a letter notifying the bidder the bid was automatically disqualified because of being declared late.

021 CHANGES, ALTERATIONS & ERASURES

All changes, alterations and erasures made by the bidder prior to submission of the bid must be initialed by the bidder in ink next to such change, alteration or erasure.

022 MISTAKES

Bidders are expected to examine the specifications, delivery schedule, bid prices, extensions, and all instructions pertaining to supplies and services. In case of mistakes between unit price and the extension, the unit price shall govern.

023 BID ERRORS

Your bid is your firm offer to enter into contract with the City of Decatur. However, if an error is discovered you must notify the Purchasing Supervisor immediately.

Changes & Withdrawals Prior to Bid Opening - If the bidder wants to withdraw the bid, a written request must be submitted prior to the specified bid opening. The written request must be specific as to the errors and under no circumstances will changes in the bid be allowed.

Changes & Withdrawals After Bid Opening - After the bid opening, but before the awarding of a contract, a bidder may request withdrawal of its bid. This must be done in writing within two business days after the bid opening procedures. The bid can be withdrawn only on the grounds an obvious mistake can be documented by such things as vendor work sheets, supplier quotes, etc. If a bid bond was tendered with this bid, the City of Decatur will exercise its right of collection. If a bid is withdrawn in this manner, the award in turn would be awarded to the next lowest and best responsive and responsible bidder.

024 TIE BIDS

A tie bid occurs when two or more bids received are for the same unit price and are of equal quality. In the case of a tie bid consideration will be given to past performance of the vendor, locality, delivery time, etc.

025 BID TABULATION

Bidders desiring a copy of the bid tabulation of this Invitation to Bid may request same by enclosing a self-addressed stamped envelope with their bid. Every effort will be made to mail the tabulation in a timely manner. Bid tabulations will not be provided by telephone.

026 POSTING OF TABULATION

Bid tabulations with recommended awards will be posted for review by interested persons at the Purchasing Office prior to the submission through the appropriate approval process to the City Council, for award and will remain posted for a period of 72 hours.

027 MAINTAINING BID STATUS

To be retained on the active bidders list, bidders MUST respond to the Invitation to Bid. To protect your status as an active bidder, please complete and return the bid proposal form indicating a "NO BID" at this time. Three (3) consecutive failures to respond to bid invitations could result in automatic removal from the bidders list.

028 BID EVALUATION

The bids are carefully examined by the Purchasing Division as well as the user department(s). The low bid must meet any surety requirements and technical specifications that are required. Bids may be disqualified for failure of the commodity or service offered to meet the specifications in the Invitation to Bid. Unbiased judgment is used when making a recommendation.

029 BID AWARD

The contract will be awarded to the lowest and best responsive and responsible bidder meeting specifications. A responsible bidder is one whose reputation, past performance, business and financial capabilities are judged by the City to be capable of satisfactorily performing contractual obligations.

030 REJECTION OF BIDS

Failure on the part of the bidder to comply with the instructions may result in bid rejection and/or cancellation of orders without liability to the City. The City may however reject all bids whenever it is deemed in the best interest of the City to do so, and may reject any part of the bid. The City may also waive any informalities or irregularities in any bid.

031 NOTICE TO PROCEED

A signed purchase order will be the Contractor's authorization to proceed.

032 CONTRACT RENEWAL

Any contract or agreement executed in conjunction with the award of a bid may be renewed for an additional 12 months if agreed to in writing by both parties at least thirty days prior to the termination of the last year of the contract. Renewal of this contract shall be subject to appropriation of funds by the City Council.

033 AVAILABILITY OF FUNDS

The contractual obligation of the City under this contract is contingent upon the availability of appropriated funds from which payment for this contract can be made.

034 TERMINATION OF CONTRACT

The City of Decatur may terminate the contract if it is found the supplier failed to perform his services in a manner satisfactory to the City of Decatur as per the specifications. The City will notify the supplier in writing of the intent to terminate the contract.

The City of Decatur reserves the right to terminate the contract without showing cause upon giving a 30 day written notice to supplier.

035 PACKING LIST

Packing lists showing the City of Decatur purchase order number must be furnished with each shipment.

036 PAYMENT & INVOICES

Full payment will be made only after receipt of all items listed on the purchase order. Vendors are requested to submit invoices in duplicate for all billings and mail them to the City of Decatur, Accounts Payable, #1 Gary K. Anderson Plaza, Decatur, Illinois, 62523. No payments will be issued prior to the receipt and acceptance of commodities and services by the City of Decatur's authorized representative. Invoices should be exact as to the correct quantity, size, grade, description, unit and total price as stated on the purchase order. All invoices must include the purchase order number. The City issues payment for invoices on the first business day of each month for all invoices received the previous month.

037 PARTIAL PAYMENT

Partial payments are normally not made. The exception is when a long delay is expected for back orders after the majority of the order is complete. The long delay must be noted in the bid. Partial billing will be accepted only after the approval of the Purchasing Supervisor. Back orders should be noted on the invoice submitted.

038 TAXES

The City of Decatur does not pay Federal Excise and State Sales tax. See exemption number on face of purchase order. An exemption certificate will be furnished upon request. However, this exemption does not apply to suppliers of the City for their purchase of goods or services, used in work or goods supplied to the City.

039 PUBLIC RECORD

Once the bid is awarded it will become a public document. The bid documents may be viewed after filling out the required Freedom of Information paperwork. The files may be examined during normal business hours by appointment. If copies of the documents are desired there will be a minimal fee charged to cover the photocopy costs.

040 MATERIAL SAFETY DATA SHEETS (MSDS)

Under the terms of the Toxic Substances Disclosure to Employees Act (820 ILCS 255/11, Illinois Compiled Statutes), all suppliers of products deemed to be toxic in substance, as published annually in the Illinois Register are required to submit a Material Safety Data Sheet (MSDS) for each substance as a condition of the award of the bid by the City.

041 FAIR EMPLOYMENT PRACTICES

The contractor and all sub-contractors hereunder must comply with the provisions of the Illinois Human Rights Commission's Rules and Regulations for public contracts and the Equal Employment Opportunity Clause attached hereto and marked "Exhibit A".

042 LICENSES & PERMITS

It shall be the responsibility of the successful bidder to obtain at no additional cost to the City of Decatur any and all licenses and permits required to complete this bid. These licenses and permits shall be readily available for review by the Purchasing Supervisor or designated representative.

046 BID BONDS/DEPOSITS

Each bid must be accompanied by a bid bond or deposit amounting to five percent (5%) of the total bid. Bid deposits are in the form of a Bank Cashiers Check, Certified Check, or Bid Bond made payable to the City of Decatur. Unsuccessful bidders will have their deposits returned within ten (10) days, after either the contract is awarded or the purchase order is accepted by the successful bidder. If the successful bidder fails to deliver as indicated in the Invitation to Bid, does not enter into the contract or fails to accept the purchase order, the City of Decatur shall be entitled to retain the deposit to rectify the bidders unacceptable performance. In other words the bid deposit will be forfeited to the City.

047 PERFORMANCE BOND

The successful bidder shall furnish an annual performance bond in connection with the contract to protect the City of Decatur from loss due to the bidders inability to complete the agreed upon contract annually. Performance bonds are equal to one hundred percent (100%) of the total amount of the bids for each year of the contract.. Performance bonds will be forfeited to the City of Decatur should the successful bidder fail to comply with the terms and conditions established in the specifications and the award. Performance bonds will be held until all contractual obligations are met to the satisfaction of the City of Decatur.

In a bid where a Bid Bond and a Performance Bond are required, the City of Decatur will return the Bid Bond upon receiving the Performance Bond. Under no circumstances shall the successful bidder start work until he/she has supplied the City of Decatur a Performance Bond. If the successful bidder fails to supply a Performance Bond as specified in the bid, the City shall be entitled to retain the bid deposits to remedy the bidder's unacceptable performance.

048 CERTIFICATE OF INSURANCE

The contractor, prior to the execution of the contract, shall obtain and keep in force during the performance of any and all work under this contract, the following insurance coverages, provided by companies acceptable to the City and authorized to transact business in the state of Illinois. The insurance companies will be rated by A.M. Best & Company with a rating not lower than A- and have a financial rating of VI. Coverage limits shall be written at not less than the minimum specified in this section. Higher minimum limits and additional coverages may be specified by a special condition elsewhere in the contract.

WORKERS COMPENSATION and EMPLOYERS LIABILITY:

Workers compensation insurance shall be provided according to the provisions of the Illinois Workers Compensation Act, as amended.

Employers Liability

a. Each Accident	\$500,000
b. Disease – policy limit	\$500,000
c. Disease – each employee	\$500,000

COMMERCIAL GENERAL LIABILITY

General Aggregate Limit	\$2,000,000
Products – Completed Operations	\$2,000,000
Each Occurrence Limit	\$1,000,000

Insurance shall be written on an occurrence form and shall provide coverage for: operations of the contractor, subcontractors (if any), broad form property damage, contractual liability and the hazards of explosion, collapse and underground (if appropriate). An Umbrella policy may be used to provide excess limits over underlying policy(ies) to meet the required limits of coverage.

COMMERCIAL AUTOMOBILE LIABILITY:

Bodily Injury & Property Damage, Combined Single Limit	\$1,000,000
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The policy shall cover owned, nonowned, and hired vehicles.

CERTIFICATE:

Upon request the contractor shall file with the City certified copies of all insurance policies and all accompanying endorsements. The contractor shall supply certificates of insurance setting forth the coverage, limits, and endorsements before the City will execute the contract. The certificate of insurance shall include the City of Decatur, its officers and employees as an additional insured. In no event shall any failure of the City of Decatur to receive certificates or to demand receipt be construed as a waiver of the contractor's obligation to obtain and keep in force the required insurance.

NOTICE:

It shall be an affirmative obligation upon the contractor to advise the City's Purchasing Division at Fax No. (217)-424-2772, or mail to Purchasing, #1 Gary K. Anderson Plaza, Decatur, IL 62523, within two days of the cancellation or substantive change of any insurance policy set out above, and failure to do so shall be construed to be a breach of the contract.

049 HOLD HARMLESS CLAUSE

The contractor will hold the City harmless from all claims, suits, actions, damages or causes of action in any way arising during the term of the agreement, including reasonable attorney's fees for any personal injury, loss of life or damage to person or property sustained by reason of or as a result of the products or services supplied. Contractor's insurance will be primary.

**INFORMATION FOR BIDDERS
MINORITY PARTICIPATION GOALS
FOR PUBLIC WORKS CONTRACTS**

- I. Description of the Minority Participation Goals Program:
- A. The City of Decatur encourages the participation of minorities and Minority Business Enterprises (MBEs) for City-funded public works construction projects. To comply with Chapter 28, Section 10, of the City Code, **bidders will make a good faith effort to meet the following minimum goals:**
1. If subcontracting opportunities are available, **10%** of the total dollar amount of the contract should be performed by Minority Business Enterprises.
 2. Minority workers should perform **18%** of the total hours worked.
- B. Failure to submit a **Subcontractor Utilization Statement** or the **Minority Business Enterprise Participation Waiver Request** as described and provided herein, may cause the bid to be rejected and determined non-responsive.
- II. Pre-Bid Efforts when Awarding Subcontracts: Bidders shall make a good faith effort to contact and solicit bids from MBEs for available subcontracting. Subcontracting contact and bidding is to be made prior to bid opening. Subcontract information is to be recorded on the **Subcontractor Utilization Statement** to be submitted with the bid documents.
- III. Waiver:
- A. If a contractor does not or cannot meet the City's minority participation goals for contracts, it may seek in writing a waiver. The waiver request shall include, as appropriate:
1. Evidence of the contractor's good faith efforts to secure participation by MBE and minority workers;
 2. Evidence the contractor received no proposals or inquiries from qualified MBE or firms that employ minority workers in response to a good faith effort to secure participation.
- B. Bidders seeking a waiver of MBE goals must submit with the bid documents a **Minority Business Enterprise Participation Waiver Request**.
- IV. Change in the Use of Subcontractors or Self-Performance Status: Before the Prime Contractor can deviate from utilizing any of the subcontractors listed on the Subcontractor Utilization Statement, add subcontractors, or declare the intent to self-perform the work; a completed **Notification of Change in Participation** form is to be submitted for each change.
- V. Record Keeping and Reporting: The Prime Contractor and subcontractors agree to maintain records demonstrative of their good faith efforts to comply with the participation goals identified in the City Code. All information, including subcontracting, minority participation, and weekly prevailing wage documentation, will be provided through **ePrismSoft**, an electronic web based compliance tracking software. Access to ePrismSoft has been furnished by the City of Decatur. To activate access, the Prime Contractor and all

**INFORMATION FOR BIDDERS
MINORITY PARTICIPATION GOALS
FOR PUBLIC WORKS CONTRACTS**

subcontractors are to contact Human Capital Development at webinfo@eprismsoft.com or (309) 692-6400.

- VI. Chapter 28, Article 10, of the City Code is included herewith for the information of the bidder.

**CITY CODE
CHAPTER 28, ARTICLE 10
MINORITY PARTICIPATION GOALS FOR PUBLIC WORKS CONTRACTS**

SECTION 10-1. POLICY:

The City of Decatur encourages a diverse workforce for all public projects. Toward that end, the City establishes goals for participation by Minority Business Enterprises (MBE) and minority workers for public works contracts. The objectives of the minority participation goals include:

- A. Ensuring non-discrimination in the award and administration of City public works contracts;
- B. Encouraging a level playing field on which MBE and minority workers can compete fairly for City public works contracts;
- C. Helping to remove barriers to the participation of MBE and minority workers in City public works contracts;
- D. Promoting the use of MBE and minority workers in City public works projects;
- E. Ensuring the minority participation goals are narrowly tailored in accordance with applicable law;
- F. Providing appropriate flexibility to contractors in establishing and providing opportunities for MBE and minority workers;

SECTION 10-2. DEFINITIONS:

- A. **MINORITY:** For purposes of this Article, the City hereby adopts and incorporates by reference "minority person" as defined in the Illinois Business Enterprise for Minorities, Females and Persons with Disabilities Act, 30 ILCS 575/2.
- B. **MINORITY BUSINESS ENTERPRISE (MBE):** A business that is owned and controlled by minorities. There must be not less than 51 percent minority ownership of the business, and the minority ownership must control the management and daily operations of the business.

SECTION 10-3. MINORITY PARTICIPATION GOALS IN PUBLIC PROJECTS.

- A. Contractors for City projects shall make a good faith effort to comply with the following minimum goals:
 - (1) Ten (10) percent of the total dollar amount of the contract should be performed by Minority Business Enterprises if subcontracting opportunities are available; and,
 - (2) Eighteen (18) percent of the total hours worked should be performed by minority workers.

**INFORMATION FOR BIDDERS
MINORITY PARTICIPATION GOALS
FOR PUBLIC WORKS CONTRACTS**

- B. Subcontracting is not required for a City project. If a subcontractor is used, the contractor shall make a good faith effort to meet the City's minority participation goals.
- C. A contractor shall provide evidence of meeting the City's minority participation goals as directed and required by the Public Works Director or provide evidence that it made a good-faith effort to meet the goals.
- D. A good faith effort means the contractor took reasonable and necessary steps to achieve the minority participation goals. Good faith means the contractor actively and aggressively sought participation by MBE or minority workers. The City shall consider the quality, quantity and intensity of efforts made by a contractor.
- E. Evidence of a good-faith effort includes, but is not limited to, as appropriate:
 - (i) Soliciting through all reasonable and available means the interest of MBE and minority workers;
 - (ii) Outreach and recruitment efforts of MBE and minority workers;
 - (iii) Packaging requirements, when feasible, into tasks or quantities that permit maximum participation from MBE and minority workers;
 - (iv) Providing interested MBE and firms that employ minority workers with adequate information about the bidding process, adequate time to respond and assistance in responding to a solicitation;
 - (v) Negotiating in good faith with MBE and firms that employ minority workers;
 - (vi) Assisting interested MBE and firms that employ minority workers in obtaining bonding, lines of credit or insurance;
 - (vii) Assisting interested MBE and firms that employ minority workers in obtaining necessary equipment, supplies or materials;
 - (viii) Seeking services from available minority community organizations; minority contractors' groups, minority business assistance offices and other organizations, as appropriate, to provide assistance in recruiting MBE and minority workers;
 - (ix) If an MBE or a firm that employs minority workers is rejected, providing sound reasons for rejection based on a thorough investigation of the firm;
 - (x) Providing payroll records or other evidence showing the percentage of minority workers employed on the project or the percentage of project hours completed by minority workers;
 - (xi) All other good faith efforts or evidence of due diligence to meet the City's minority participation goals.
- F. The minority participation goals shall be reviewed annually by the City Manager or his designee. Any changes of the goals shall require a majority vote by Decatur City Council.

SECTION 10-4. PROGRAM ADMINISTRATION:

- A. The Public Works Director, or his designee, shall:
 - (i) Administer and enforce the provisions of this Article;
 - (ii) Monitor, track and report on contractors over the contract duration to ensure compliance with this Article.

SECTION 10-5. PENALTIES:

**INFORMATION FOR BIDDERS
MINORITY PARTICIPATION GOALS
FOR PUBLIC WORKS CONTRACTS**

- A. If a contractor fails to meet the City's minority participation goals and fails to provide evidence of a good faith effort to meet the goals, the Public Works Director or his designee may, as appropriate:
- (i) Order immediate corrective action, as appropriate and practicable, to meet the minority participation goals or to show a good faith effort toward meeting the goals;
 - (ii) Assess a fine or penalty not to exceed \$2,000 for each offense, and each day on which a violation occurs or continues shall be considered a separate offense;
 - (iii) Withhold the fine or penalty assessed from the unpaid portion of the contract;
 - (iv) Order that the contractor will not be considered a responsive responsible bidder for future City projects until the contractor provides evidence of making a good faith effort toward meeting the City's minority participation goals.

SECTION 10-6. APPEALS:

The penalty assessed by the Public Works Director or his designee shall be appealable to the City's Human Relations Commission.

SECTION 10-7. WAIVER:

- A. If a contractor does not or cannot meet the City's minority participation goals for contracts, it may seek in writing a waiver. The waiver request shall include, as appropriate:
- (i) Evidence of the contractor's good faith efforts to secure participation by MBE and minority workers;
 - (ii) Evidence the contractor received no proposals or inquiries from qualified MBE or firms that employ minority workers in response to a good faith effort to secure participation.
- B. The Public Works Director or his designee may, at his or her discretion, waive the minority participation goals upon finding:
- (i) The project is essential for city operations;
 - (ii) Emergency circumstances require a waiver;
 - (iii) Evidence of a good faith effort by the contractor;
 - (iv) Evidence the contractor received no proposals or inquiries from qualified MBE or firms that employ minority workers in response to a good faith effort to secure participation.

**END OF
INFORMATION FOR BIDDERS
MINORITY PARTICIPATION GOALS
FOR PUBLIC WORKS CONTRACTS**



City of Decatur, Illinois
#1 Gary K. Anderson Plaza
Decatur, IL 62523-1196

RETURN WITH BID

Subcontractor Utilization Statement

Date:		Project Title:	
Total Contract Value:		Project Number:	

Section I: Prime Contractor Information

Prime Contractor: _____

Address: _____

Phone: _____

Contact Person: _____

Email: _____

Section II: Selected Subcontractors

Subcontractor Name	MBE or Non-MBE	Amount	% of Total Contract	Scope of Work
Totals				

- If more subcontractors are utilized, please copy this form and attach the additional information.

Section III: MBE subcontractors that submitted bids but were not selected

Subcontractor Name	Scope of Work Bid	Reason for Denial

Section III Continued: MBE subcontractors that submitted bids but were not selected

Subcontractor Name	Scope of Work Bid	Reason for Denial

- If more firms submitted quotes, please copy this form and attach the additional information.

Section IV: MBE subcontractors that were contacted for this project

Subcontractor Name	Method of Contact	Contact Outcome

- If more firms were contacted, please copy this form and attach the additional information.

Section V:

The City of Decatur is committed to promoting minority participation in public works construction projects and in accordance with Article 28-10 of the City Code, has established the subcontractor utilization goal of 10% Minority Business Enterprises that are to be used in the execution of this project. Prime Contractors have an obligation to make a good faith effort to advance the City's commitment to increase diversity among the firms working on City construction projects.

This form must be completed and submitted with the bid proposal. All subcontractors intended for use on this project shall be listed in the columns above; along with the total amount to be paid to the subcontractors; percentage of total contract; and scope of work. If for whatever reason the Prime Contractor has to utilize a subcontractor not listed above, they must submit a **Notification of Change in Participation** with the necessary support documentation.

The undersigned certifies that the information included herein is true and correct; the subcontractors listed above have agreed to perform the scope of work described. The undersigned further certifies that it has no controlling, dominating, or conflict of interest in any of the listed subcontractors.

 Signature of Prime Contractor

 Date



City of Decatur, Illinois
#1 Gary K. Anderson Plaza
Decatur, IL 62523-1196

RETURN WITH BID WHEN REQUIRED

Minority Business Enterprise Participation Waiver Request

Date:		Project Title:	
		Project Number:	

Prime Contractor: _____

Address: _____

Phone: _____

Contact Person: _____

Email: _____

We hereby request that the City waive the Minority Business Enterprise (MBE) 10% participation goal on the above named project for the following reason(s) and affirm that the stated reasons and documents provided are true and correct and not misleading. We further agree this waiver request does not waive the goal that 18% of the total hours worked should be performed by minority workers as per City Code Chapter 28, Article 10.

CHECK ALL THAT APPLY. SPECIFIC SUPPORTING DOCUMENTATION MUST BE SUBMITTED AS INDICATED.

☐	An insufficient number of MBEs responded to our invitation to bid. (Attach a list of MBEs contacted for each work item to be subcontracted along with the dollar amount for each item)
☐	No subcontracting opportunities exist. (Attach explanation)
☐	The award of subcontract(s) is impracticable. (Attach explanation)
☐	Other – (State reason and attach explanation)

Signature of Prime Contractor

Date

FOR OFFICIAL USE ONLY

☐ APPROVED	☐ DISAPPROVED
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The minority participation goals are waived on this project for the following reason(s) (see Article 28-10-7 City Code):

☐	The project is essential for City operations.
☐	Emergency circumstances require a waiver.
☐	Evidence of a good faith effort by the contractor.
☐	The contractor will self perform all work and will not subcontract any portion of the project.
☐	The contractor proposes to meet City MBE goal. No Waiver Required

REVIEWED BY:

Public Works Director

Date



City of Decatur, Illinois
#1 Gary K. Anderson Plaza
Decatur, IL 62523-1196

**RETURN WITH BID FOR EACH
MBE SUBCONTRACTOR**

MBE Subcontractor Information Form

Date:		Project Title:	
Total Contract Value:		Project Number:	

Section I: MBE Subcontractor Information

Subcontractor: _____

Address: _____

Phone: _____

Contact Person: _____

Email: _____

Section II: Estimated Work

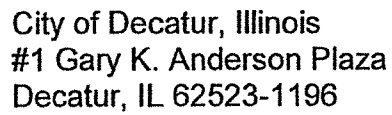
Description of Scope of Work Agreed Upon	Estimated Amount	Estimated % of Total Contract

This form must be completed and submitted with the bid proposal for each MBE Subcontractor. All Subcontractors intended for use on this project shall have an **MBE Subcontractor Information Form** signed by the prime contractor and subcontractor. If for whatever reason the Prime Contractor changes or adds a Subcontractor, a **Notification of Change in Participation Form** and **MBE Subcontractor Information Form** with the necessary support documentation must be submitted and approved.

The undersigned certifies that the information included herein is true and correct and the subcontractor has agreed to perform the scope of work described. The undersigned further certifies that this form is not a Contract between the City, Prime Contractor or Subcontractor.

Prime Contractor Signature	Print
Title	Date

Subcontractor Signature	Print
Title	Date



Final Subcontractor Participation Documentation

Date:		Project Title:		
Total Contract Value:			Project Number:	

Section I: Prime Contractor Information

Prime Contractor: _____

Address: _____

Phone: _____

Contact Person: _____

Email: _____

Section II: Selected Non-MBE Subcontractors

Subcontractor Name	Estimated Amount	Est. % of Total Contract	Actual Amount	Actual % of Total Contract
Non-MBE Subcontractor Total				

If more subcontractors are utilized, please copy this form and attach the additional information.

Section III: Selected MBE Subcontractors

Subcontractor Name	Estimated Amount	Est. % of Total Contract	Actual Amount	Actual % of Total Contract
MBE Subcontractor Totals				

If more subcontractors are utilized, please copy this form and attach the additional information.

CHECK ALL THAT APPLY. SPECIFIC SUPPORTING DOCUMENTATION MUST BE SUBMITTED AS INDICATED.

☐	MBE Goal for subcontractor utilization of 10% <u>has been</u> reached
☐	MBE Goal for subcontractor utilization of 10% <u>has not been</u> reached but Contractor <u>has</u> met the goal estimated on the Subcontractor Utilization Statement submitted at Bid
☐	MBE Goal for subcontractor utilization of 10% <u>has not been</u> reached and Contractor <u>has not</u> met the goal estimated on the Subcontractor Utilization Statement submitted at Bid (attach explanation)
☐	Other – (State reason and attach explanation)

The undersigned certifies that the information included herein is true and correct, failure to submit this form may result in delay of the final payment.

Signature of Prime Contractor

Date

TREE REMOVAL SPECIFICATIONS

This contract will cover tree removal for the attached locations. All tree removal must be completed by December 14, 2018. Trees are to be removed to no higher than a 12" stump. All trees are marked with a green dot.

The trees are located on various City boulevards, right-of-ways, etc. throughout the City of Decatur. A list of locations and trees is shown on the attachments for Areas 1 – 3. The City Forester will be available to meet with bidders to view trees. Please call Randy Callison at 875-4820, Monday - Friday, 7:30 a.m. - 4:00 p.m. to set up an appointment.

The debris from tree removal is to be disposed of off-site at the cost of the contractor. All local, state, and federal rules, laws, and regulations concerning landscape debris disposal shall be adhered to by the vendor. In other words, all material from this project must be disposed of in a legal and proper manner or in a licensed landscape waste facility. The City further requires proof that the successful vendor has complied with the disposal requirements prior to the City paying the contract price. The successful vendor must disclose to the City in writing what exactly was done with the wood debris from the tree removals. The City of Decatur will not be held accountable or be liable for any violations of State, local or federal laws or guidelines.

The contractor, prior to the execution of the contract, shall file with the City of Decatur copies of completed certificates of insurance. See attached insurance requirements in Section 048 of the Terms and Conditions of this specification.

The low bidder(s) who is awarded the bid must provide the City with certificates of insurance within five (5) days of the bidding. Failure to provide the certificate will cause such contractor to lose his or her right to the contract and the contract will be awarded to the next acceptable low bidder who can provide said certificate within five (5) days of notification.

Employees of the contractor must be covered by Workers Compensation Insurance. The contractor will hold the City harmless from all damages in any way arising out of the performance of the tree removal specified herein. The contractor shall be liable for the repair of any property damaged in the removal process.

The successful bidder(s) shall be responsible for any ancillary costs incurred during the removal of said tree(s) including but not limited to animal or insect removal, wire drops such as electricity, telephone or cable, and any hidden problems such as a tree cavity containing concrete or fence wire or steel within the tree.

Vendor(s) will be responsible for all traffic control. If a road is to be closed, vendor will be responsible for the road closure and for calling City Engineering Department at (217) 424-2747 at least 24 hours in advance. Road closures must meet MUTCD standards.

TREE REMOVAL AREA 1
8 TREES TO BE REMOVED

AREA BOUNDED BY N. MOFFET AVE. ON THE WEST, STATE ROUTE 36 ON THE NORTH,
MAIN STREET/BUSINESS 51 ON THE EAST, DECATUR AVE. ON THE SOUTH

1	3306 W. Westminster Ave.*	28" ASH
2	309 N. Pine	36" ASH
3	905 W. Main	28" ASH
4	251 S. Edward	28" ASH
5	South of 223 S. Edward	28" ASH
6	College side of 465 W. Macon	30" HACKBERRY
7	College side of 465 W. Macon	28" HACKBERRY
8	305 S. Edward	28" MAPLE

* NOT CONTIGUOUS TO THE REST OF THE GROUP

8 Trees To Be Removed

[illegible]

TREE REMOVAL AREA 2
13 TREES TO BE REMOVED
AREA BOUNDED BY STATE ROUTE 36 ON THE NORTH,
MAIN STREET/BUSINESS 51 ON THE WEST, SOUTH 22ND STREET ON THE EAST, EAST JOHNS
ON THE SOUTH, EXCEPT FOR TWO (2) TREES TO THE EAST AS DENOTED

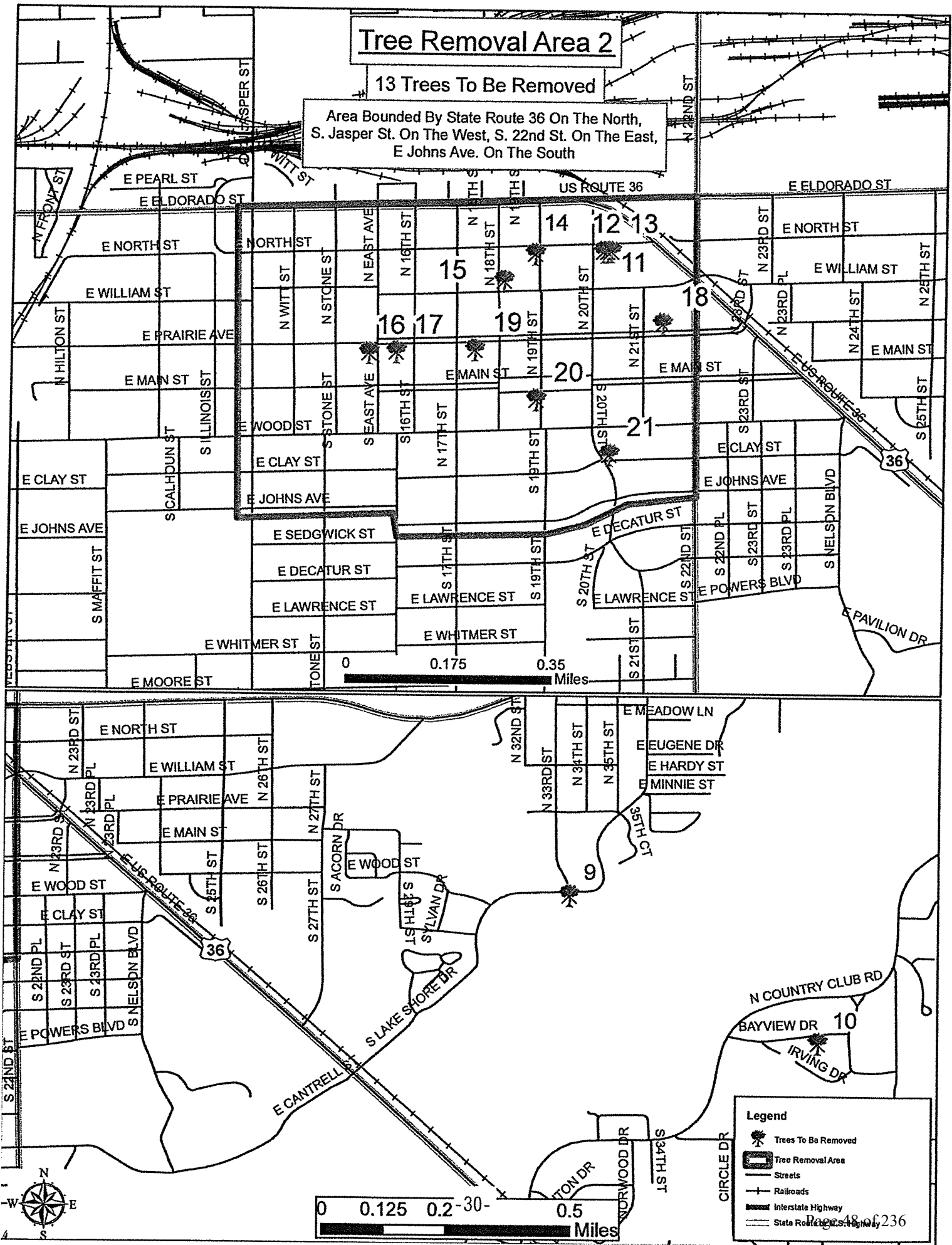
9	33rd and Lake Shore*	38" ELM
10	4015 Bayview Drive*	46" ASH
11	2015 E. North	36" ASH
12	2019 E. North	36" ASH
13	2027 E. North	36" ASH
14	1895 E. North on 19th	36" ASH
15	1804 E. William	26" CATALPA
16	1451 E. Prairie	38" ASH
17	1529 E. Prairie	38" ASH
18	2128 E. Prairie	24" ASH
19	ACROSS FROM 1723 E. Prairie	40" ELM
20	1869 E. Main	38" ASH
21	244 S. 20th	46" MAPLE

* NOT CONTIGUOUS TO THE REST OF THE GROUP

Tree Removal Area 2

13 Trees To Be Removed

Area Bounded By State Route 36 On The North,
S. Jasper St. On The West, S. 22nd St. On The East,
E Johns Ave. On The South



TREE REMOVAL AREA 3
15 TREES TO BE REMOVED
AREA BOUNDED BY KELLER TO THE NORTH, NORTH OAKLAND AVE. TO THE WEST,
ELDORADO/ROUTE 36 TO THE SOUTH, 25TH STREET TO THE EAST .

22	Southwest corner of Grant & Gulick	40" ASH
23	1715 N. College	34" ASH
24	21 Central Drive	34" ASH
25	312 W. Leafland	34" MAPLE
26	1044 E. Elmhurst	38" ASH
27	1946 N. Morgan	36" MAPLE
28	North of 1435 N. Morgan	34" MAPLE
29	1232 E. Logan	28" MAPLE
30	1222 E. Logan	38" MAPLE
31	1213 E. Hickory	36" ASH
32	West of 1413 E. Grand on Charles	40" MAPLE
33	West of 1160 E. Leafland	30" SYCAMORE
34	Midway between Marietta & Orchard on N. Illinois on the west boulevard by Hope School	36" ASH
35	1170 E. Orchard	36" ASH
36	2429 E. Main*	28" MAPLE

* NOT CONTIGUOUS TO THE REST OF THE GROUP

15 Trees To Be Removed

Area Bounded By Keller To The North,
N. Oakland Ave. To The West, Eldorado/Route 36 To The South,
25th St. To The East

Legend

- Trees To Be Removed
- Tree Removal Area
- Streets
- Railroads
- Interstate Highway
- State Route or U.S. Highway

0 0.5 1 Miles

TREE AND BRUSH REMOVAL BID PROPOSAL

TO: Purchasing Supervisor, City of Decatur

I, WE _____, propose to furnish tree and brush removals in accordance with noted specifications with deviations (if any) and to accept in compensation therefore the price indicated below. **Please Note:** You are bidding a total for the all the trees in the respective area.

We are bidding:

Area 1 (Trees 1 – 8) \$ _____

Area 2 (Trees 9 – 21) \$ _____

Area 3 (Trees 22 – 36) \$ _____

REJECTION/AWARD

The City of Decatur reserves the exclusive right to reject any or all bids and to accept that bid, if any, deemed to be in the best interest of the City.

DEADLINE

Sealed bids are due on October 17, 2018 until 10:00 a.m. at the Purchasing Office, 1st floor, Civic Center, #1 Gary K. Anderson Plaza, Decatur, Illinois, 62523.

BID IDENTIFICATION

Mark outside of bid envelope "Tree Removals – Bid PUR2018-04".

CONTRACT

THIS CONTRACT, made and entered into this _____ day of _____, 2018, by and between the City of Decatur, Illinois, hereinafter called "Owner", and _____, hereinafter called the "Contractor".

WITNESSETH:

That for and in consideration of the payments, covenants, and agreements stated herein, the Contractor and Owner agree as follows:

1. The Contractor shall perform and complete in a Good and Workmanlike Manner all Work required in connection with _____, all in strict accordance with the Contract Documents, including any and all Addenda prepared by the City's Purchasing Supervisor, with specifications and drawings are made a part of this Contract; and in strict compliance with the Contractor's Bid Proposal and the other Contract Documents herein mentioned, which are a part of the Contract; and the Contractor shall do everything required by this Contract and the other documents constituting a part thereof.
2. Payments are to be made to the Contractor by the Owner in accordance with and subject to the provisions embodied in the documents made a part of this Contract, or as prescribed by law.
3. Work under this Contract shall commence on the date specified in the written Notice to Proceed from the Owner to the Contractor. Upon receipt of said Notice, the Contractor shall diligently and continuously prosecute and substantially complete all Work under this Contract.
4. This Contract consists of the following component parts, herein defined as the Contract Documents, all of which are as full a part of this Contract as if herein set out verbatim, or if not attached, as if hereto attached:

Advertisement for Bids
Information for Bidders
Bid Proposal
Addenda (if any)
Contract (This Instrument)
Contract Change Orders
Performance Bond
General Conditions

CONTRACT

The above named documents are essential parts of the Contract, and a requirement occurring in one is as binding as though occurring in all. They are intended to be complementary and to describe and provide for a complete work product.

In case of discrepancy, the order of precedence is as follows:

1. Contract Change Orders
2. Addenda
3. Contract
4. General Conditions

In the event there is a conflict between any of the above listed documents, the provision of the document with the lower numerical value shall govern over those documents with a high numerical value.

The Contractor shall not take advantage of any apparent error or omission in the plans or specifications. In the event the Contractor discovers such an error or omission, the bidder shall immediately notify the Owner. The Owner will then make such corrections and interpretations as may be deemed necessary for fulfilling the intent of the plans and specifications.

5. It is agreed by the parties to this Contract that this Contract shall be executed in quadruplicate, one copy for the Contractor, and three copies for the Owner.

ATTEST:

CITY OF DECATUR, ILLINOIS

CITY CLERK

By _____
MAYOR (For Contracts over \$20,000)

CITY MANAGER (For Contracts under \$20,000)

CONTRACTOR/COMPANY NAME HERE

SECRETARY (Corporate Seal)

By _____
PRESIDENT

BID SIGNATURE PAGE

If a Corporation

Corporate Name _____

By Registered Agent: _____

Business Address: _____

Signature (please sign in ink) _____ Print Name _____
Street _____
City _____ State _____ Zip _____
Area Code _____ Telephone Number _____

Name of Officers: _____

President _____ Address _____
Vice President _____ Address _____
Secretary _____ Address _____
Treasurer _____ Address _____

Sole Proprietor

Firm Name _____

Signature of Bidder: _____

Business Address: _____

Signature (please sign in ink) _____ Print Name _____
Street _____
City _____ State _____ Zip _____
Area Code _____ Telephone Number _____

If a Partnership

Firm Name _____

By: _____

Business Address: _____

Signature (please sign in ink) _____ Print Name _____
Street _____
City _____ State _____ Zip _____
Area Code _____ Telephone Number _____

Name of all
Members of Firm

Name _____ Address _____
Name _____ Address _____

NON-COLLUSION AFFIDAVIT OF PRIME BIDDER

STATE OF _____)
) SS.
COUNTY OF _____)

_____, BEING FIRST DULY
SWORN, says that:

1) He is (Owner, Partner, Officer, Representative, or Agent) of
_____, the Bidder that has submitted the
attached bid;

2) He is fully informed respecting the preparation and contents of the attached bid and
of all pertinent circumstances respecting such bid;

3) Such bid is genuine and is not a collusive or sham bid;

4) Neither the said bidder nor any of its officers, partners, owners, agents,
representatives, employees or parties in interest, including this affiant, has in any way colluded,
conspired, connived or agreed, directly or indirectly, with any other bidder, firm or person to
submit a collusive or sham bid in connection with the contract for which the attached bid has
been submitted or to refrain from bidding in connection with such contract, or has in any manner,
directly or indirectly, sought by agreement, or collusion or communication or conference with
any other bidder, firm or person to fix the price or prices in the attached bid or of any other
bidder, or to fix any overhead, profit or cost element of the bid price or the bid price of any other
bidder, or to secure through a collusion, conspiracy, connivance or unlawful agreement any
advantage against the City of Decatur, Illinois, or any person interested in the proposed contract;
and

5) The price or prices quoted in the attached bid are fair and proper and are not tainted
by any collusion, conspiracy, connivance or unlawful agreement on the part of the bidder or any
of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Title

Subscribed and sworn to before me this _____ day of _____,
20____.

Notary Public
Title

My Commission expires _____.

EQUAL EMPLOYMENT OPPORTUNITY

In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Illinois Human Rights Act or the Rules and Regulations of the Illinois Department of Human Rights ("Department"), the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

(1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.

(2) That, if it hires additional employees in order to perform this contract or any portion thereof, it will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.

(3) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service.

(4) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Human Rights Act and the Department's Rules and Regulations. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules and Regulations, the contractor will promptly so notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.

(5) That it will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Illinois Human Rights Act and the Department's Rules and Regulations.

(6) That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and the Department's Rules and Regulations.

(7) That it will include verbatim or by reference the provisions of this clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such contractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by such subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply therewith. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Homer Tree Care, Inc.
14000 S. Archer Avenue
Lockport, IL 60441

OWNER:

(Name, legal status and address)

City of Decatur
#1 Gary K. Anderson Plaza
Decatur, IL 62523

SURETY:

(Name, legal status and principal place of business)

Western Surety Company
151 N. Franklin Street
Chicago, IL 60606
Mailing Address for Notices

Same as above

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: 5% Five Percent of Amount Bid

PROJECT:

(Name, location or address, and Project number, if any)

Tree Removal Various Locations

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 17th day of October, 2018.

(Witness)

Homer Tree Care, Inc.

(Principal)

(Seal)

By:

(Title)

COO

Western Surety Company

(Surety)

(Seal)

By:

(Title) Kristen Schmidt

Attorney-in-Fact

(Witness) See attached Jurat

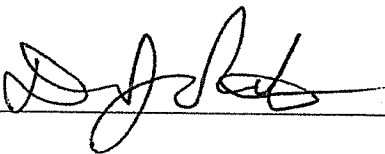


STATE OF ILLINOIS
COUNTY OF COOK

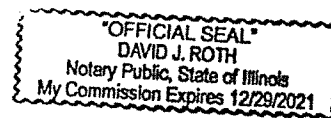
I, David J. Roth a Notary Public in and for the state and county aforesaid, do hereby certify that Kristen Schmidt of Orland Park, Illinois who is personally known to me, appeared before me this day and acknowledged that she signed, sealed and delivered the foregoing instrument as her free voluntary act as Attorney-in-Fact of Western Surety Company the free and voluntary act of the Western Surety Company for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 17th day of October, A.D. 2018

My commission expires December 29, 2021
NOTARIAL JURAT



Notary Public



Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Kristen Schmidt , Individually

of Orland Park, IL its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

Surety Bond No.: Bid Bond
Principal: Homer Tree Care, Inc.
Obligee: City of Decatur

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 27th day of February, 2018.



WESTERN SURETY COMPANY

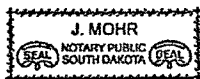
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 27th day of February, 2018, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 17th day of October, 2018.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

Project Name: Tree Removals - Various Locations				Homer Tree Care, Inc.		Hutchins Landscaping & Tree Trimming		Romer Brothers Tree & Shrub Service, Inc.	
Project Number: PUR2018-04									
Bid Date: October 17, 2018				Lockport, IL		Decatur, IL		Decatur, IL	
Time: 10:00 a.m.									
	Description	QTY.	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total
	Area 1 (Trees 1 - 8)				\$6,786.00		\$9,000.00		No Bid
	Area 2 (Trees 9 - 21)				\$15,000.00		\$22,500.00		No Bid
	Area 3 (Trees 22 - 36)				\$18,000.00		\$24,500.00		No Bid

\$39,786.00

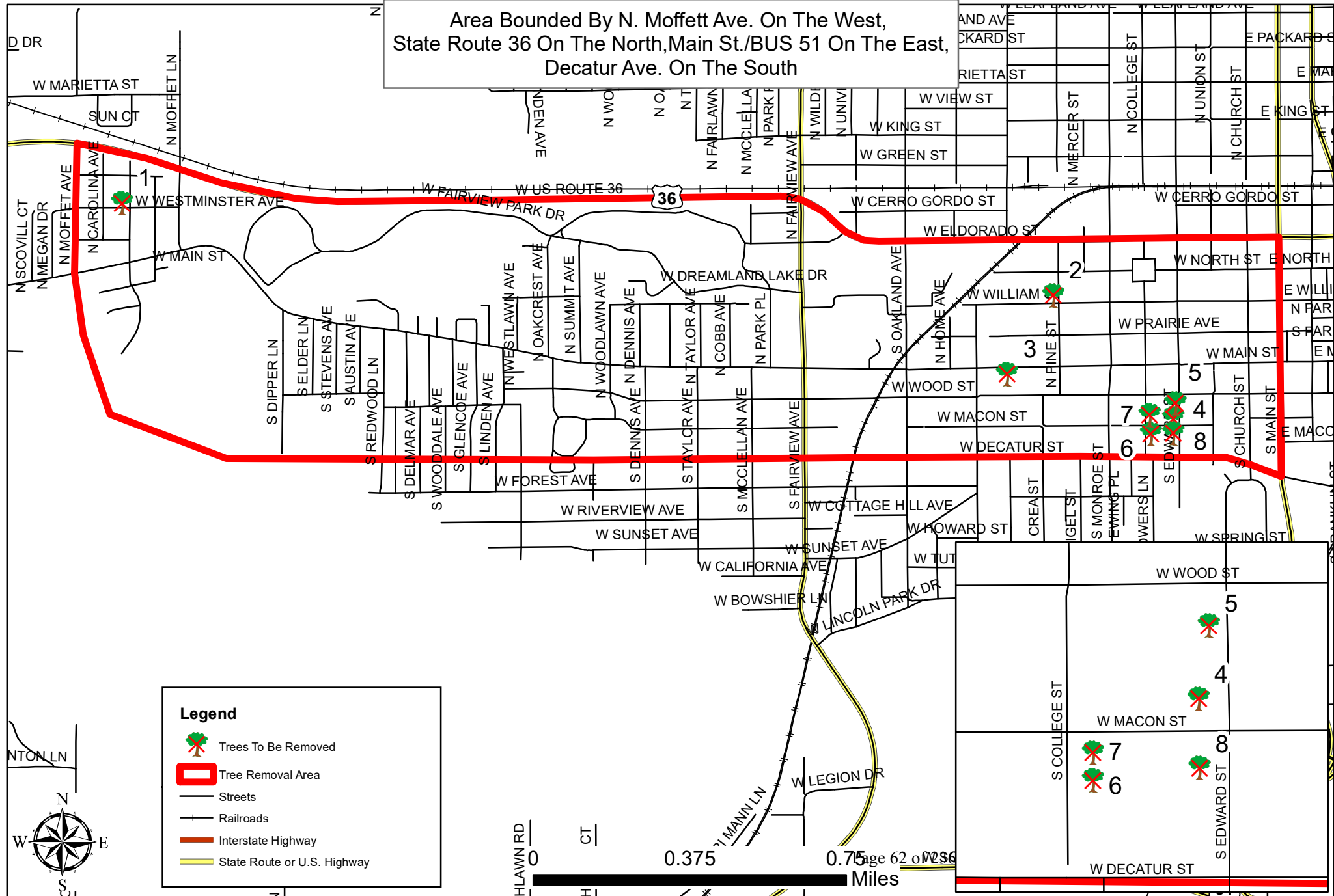
\$56,000.00

No Bid

Tree Removal Area 1

8 Trees To Be Removed

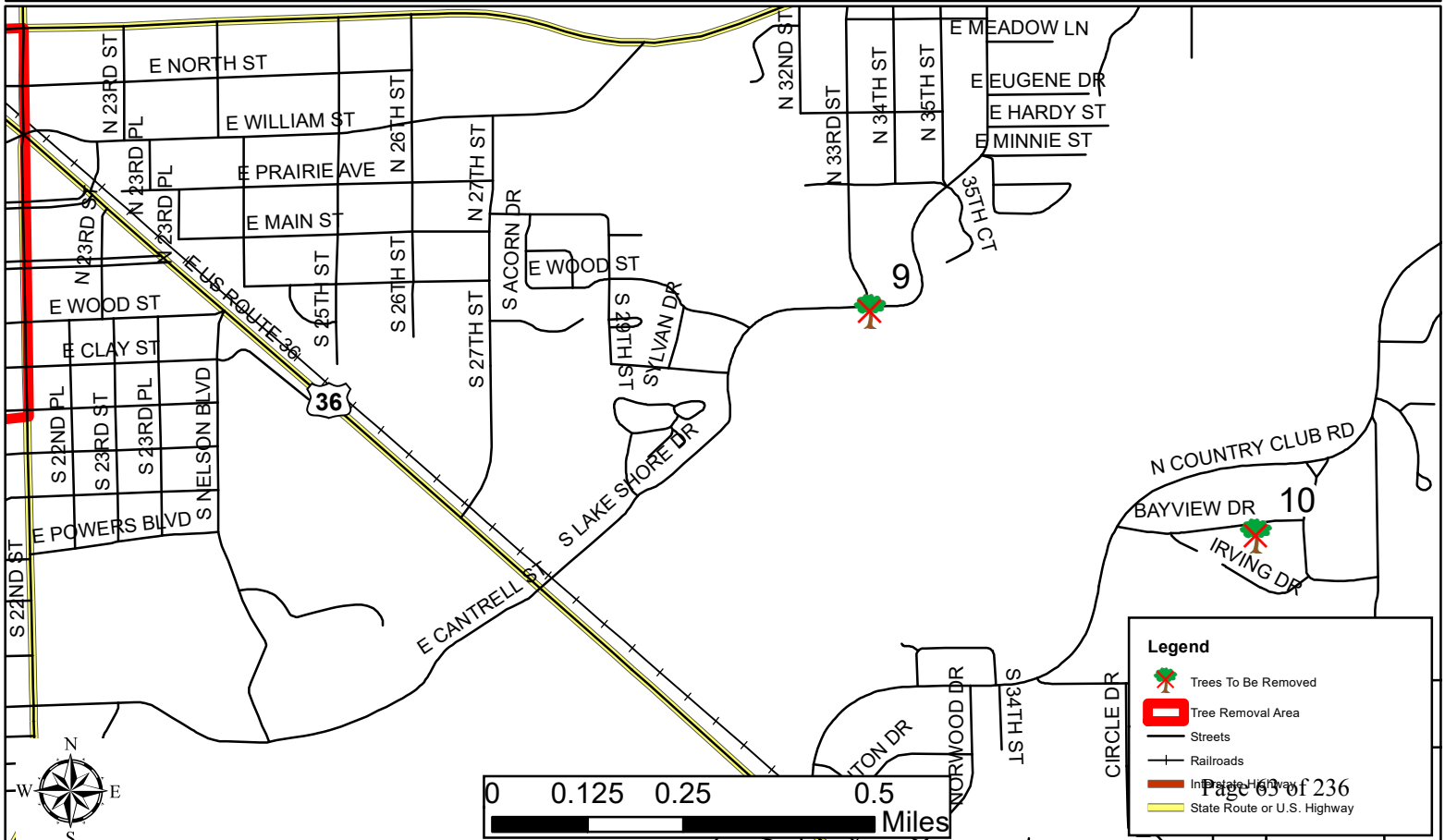
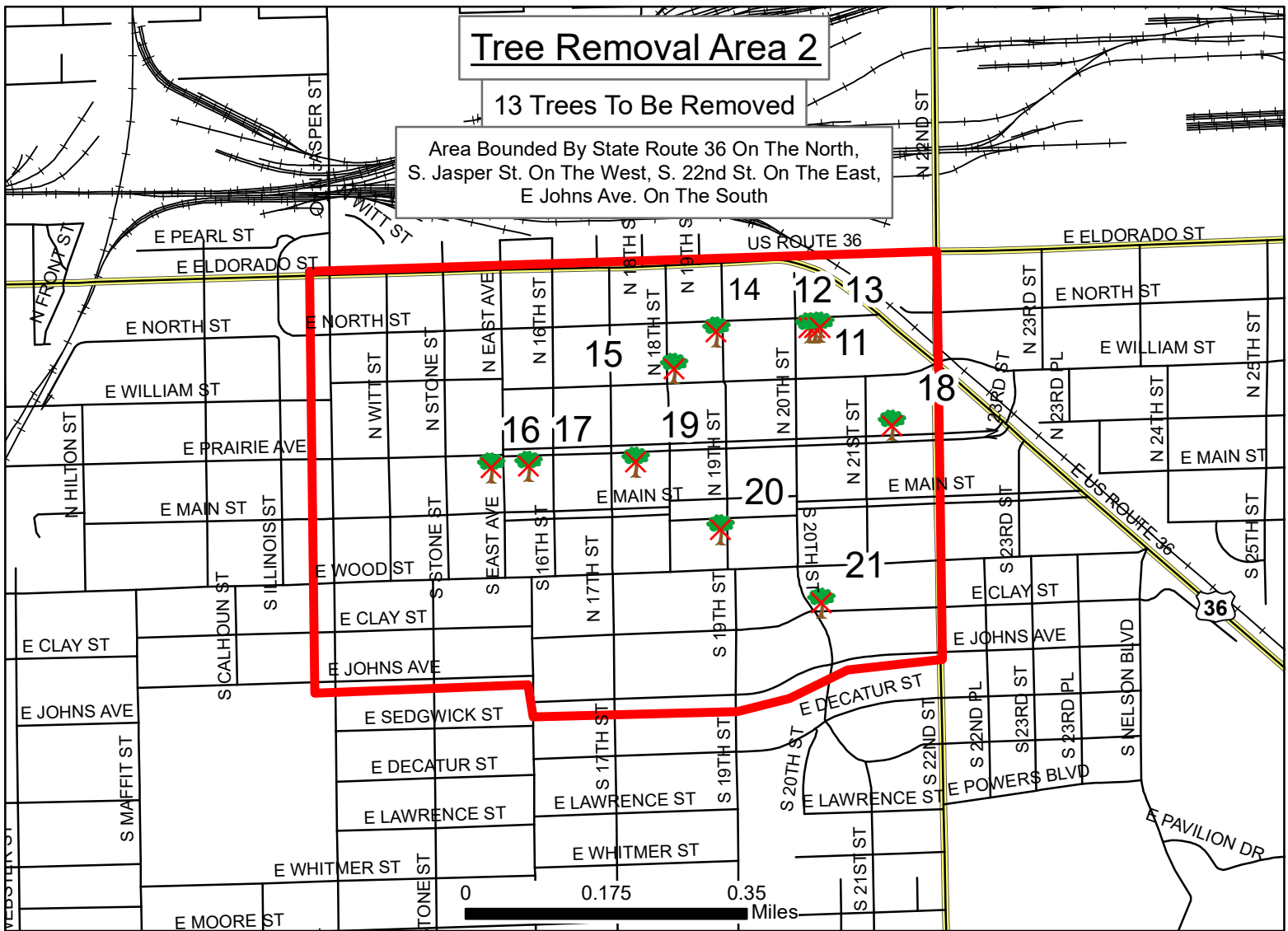
Area Bounded By N. Moffett Ave. On The West,
State Route 36 On The North, Main St./BUS 51 On The East,
Decatur Ave. On The South



Tree Removal Area 2

13 Trees To Be Removed

Area Bounded By State Route 36 On The North,
S. Jasper St. On The West, S. 22nd St. On The East,
E Johns Ave. On The South



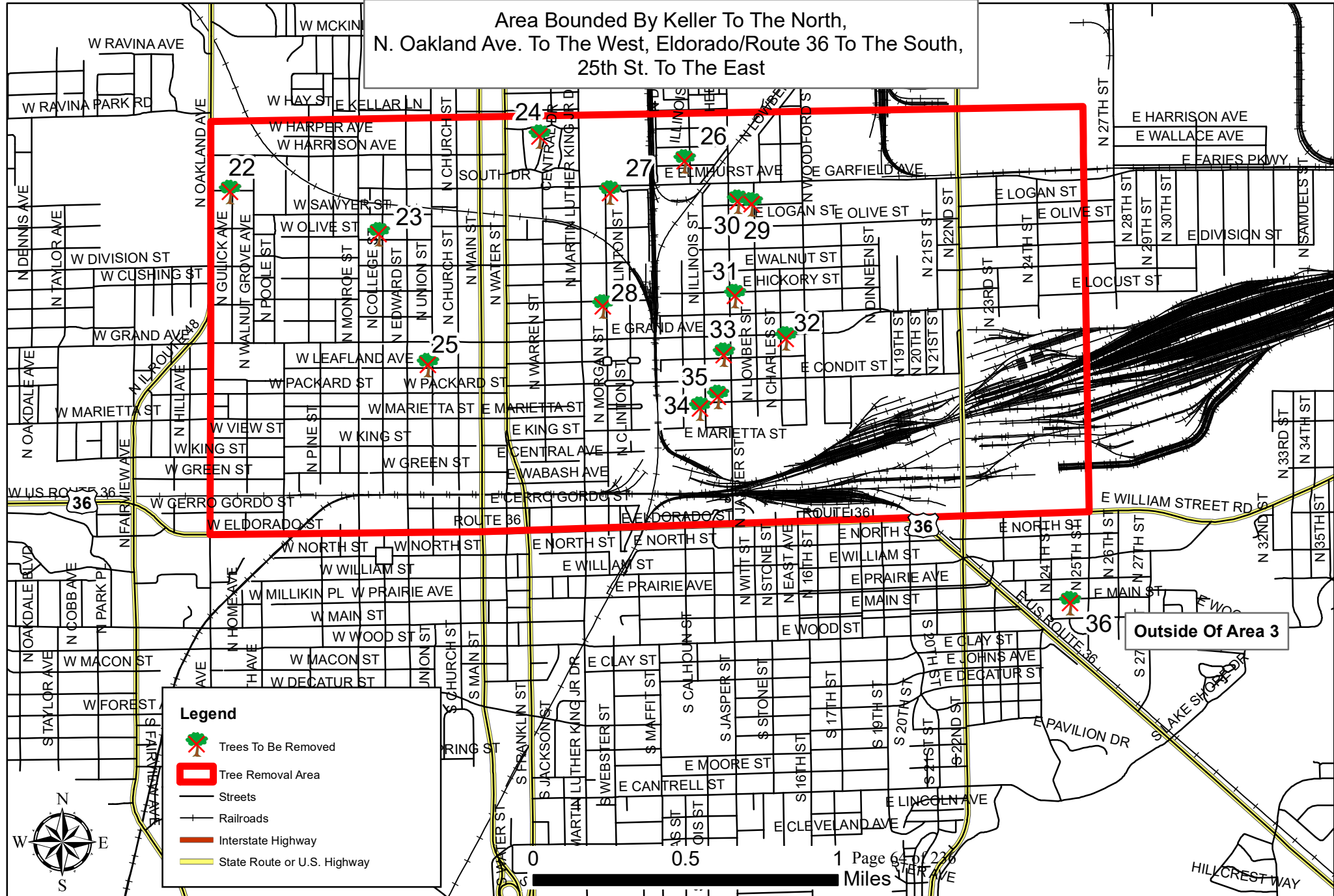
Legend

- Trees To Be Removed
- Tree Removal Area
- Streets
- Railroads
- Intersecting Highway
- State Route or U.S. Highway

Tree Removal Area 3

15 Trees To Be Removed

Area Bounded By Keller To The North,
N. Oakland Ave. To The West, Eldorado/Route 36 To The South,
25th St. To The East



Public Works

DATE: 10/26/2018

MEMO: 2018-55

TO: Honorable Mayor Moore Wolfe and City Council Members

FROM: Billy Tyus, Interim City Manager
Matthew Newell, P.E., Public Works Director
Paul Caswell, P.E., City Engineer

SUBJECT: Ordinance Authorizing the City of Decatur of Macon County, Illinois to Borrow Funds from the Water Pollution Control Loan Program, McKinley Sewer Rehabilitation Project, City Project 2017-22

SUMMARY RECOMMENDATION: Please see attached memo

ATTACHMENTS:

Description	Type
2018-55 Memo	Cover Memo
2018-55 Ordinance Authorizing the City of Decatur of Macon County, Illinois to Borrow funds from the Water Pollution Control Loan Program, McKinley Sewer Rehabilitation Project, City Project 2017-22	Ordinance
2018-55 Location Map	Backup Material

**PUBLIC WORKS MEMORANDUM
NO. 2018-55**

DATE: **October 25, 2018**

TO: **Honorable Mayor Julie Moore Wolfe and City Council Members**

FROM: **Billy Tyus, Interim City Manager
Matthew Newell, P.E., Public Works Director
Paul Caswell, P.E., City Engineer**

SUBJECT: Ordinance Authorizing the City of Decatur of Macon County, Illinois to Borrow Funds from the Water Pollution Control Loan Program, McKinley Sewer Rehabilitation Project, City Project 2017-22

SUMMARY RECOMMENDATION:

It is recommended that the City Council approve the attached Ordinance authorizing a loan agreement to borrow up to \$7,900,000 from the Water Pollution Control Loan Program which is administered by the Illinois Environmental Protection Agency (IEPA). The proposed loan will cover engineering and construction costs associated with the rehabilitation of the McKinley Sewer Rehabilitation Project.

PRIOR COUNCIL ACTION:

See Appendix A for a listing of prior Council actions.

SANITARY SEWER PRIORITIES:

Under the direction of the City Council, the Public Works Department has established four priorities to improve the City's sanitary sewer collection system as defined in the Sanitary Sewer Master Plan.

1. Critical Large Diameter Sewer Rehabilitation.
2. Sanitary Sewer Overflows Due to Inflow and Infiltration.
3. System Operation and Maintenance.
4. Small Diameter Sewer Rehabilitation.

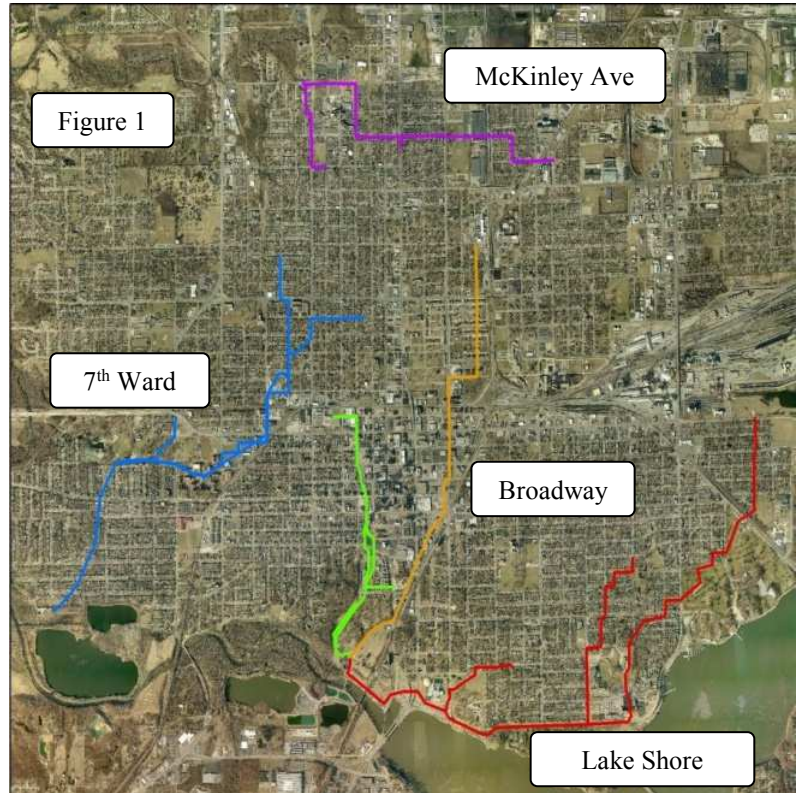
The McKinley Sewer Rehabilitation project addresses sanitary sewer priority 1, Critical Large Diameter Sewer Rehabilitation.

BACKGROUND:

The City's large diameter critical sewers are sewers with diameters ranging from 3 to 7 feet. They are major trunk sewers that serve large areas of the City and are vital to the City's sewer system. There are 5 critical sanitary sewers that are owned and operated by the City: 7th Ward Sewer, McKinley Avenue Sewer, Union Street Sewer, Lake Shore Drive Sewer, and Broadway Sewer, see Figure 1. Failure of a critical sewer would have dire consequences for the City such as loss of service for large sections of the

City, pollution of the land and our drinking water supply, very high repair costs and possibly significant private property and building damage.

The Public Works Department and Bainbridge, Gee and Milanski (BGM) and Associates now part of Chastain and Associates prepared a Critical Sewers Rehabilitation Facilities Plan which was approved by the Illinois Environmental Protection Agency (IEPA) on February 4, 2013. The Facilities Plan is a key document required for the City to apply for low interest loans from the IEPA's revolving loan program. The plan analyzes the current condition of the sewers and probable construction costs for rehabilitation using multiple construction alternatives to find the most cost efficient method. It includes an engineering study of four of the five critical sanitary sewers; Lake Shore Drive Sewer, 7th Ward Sewer, McKinley Avenue Sewer and Union Street Sewer. The summary section of the Critical Sewers Rehabilitation Facilities Plan is attached.



The Critical Sewer rehabilitation schedule is as follows:

<u>Critical Sewer</u>	<u>Expected Construction</u>
Lake Shore Drive Sewer	Completed 2014
Union Street Sewer	Completed 2015
7 th Ward Sewer	Completed 2018
McKinley Ave Sewer	Est. Start Spring 2019

McKinley Avenue Sewer

The McKinley Avenue sewer was originally constructed circa 1930, varies in size from 27" to 72", and was originally called the North Side Interceptor. The McKinley Avenue sewer begins near the intersection of Jasper Street and Garfield Avenue and drains to the McKinley Avenue Combined Sewer Overflow facility owned by the Sanitary District of Decatur near the northwest corner of Monroe Street and McKinley Avenue. A section of the sewer also extends south along Monroe Street to Harrison Avenue. See the attached location map.

Project Funding Through the Water Pollution Control Loan Program

The passage of an ordinance authorizing a loan agreement to borrow funds from the Illinois Water Pollution Control Loan Program is one of the final steps in securing an IEPA low interest loan. The loan rate is expected to be 1.84%. The ordinance addresses the funding for the project and assures that the City is able to repay the loan over a 20 year period beginning at the substantial completion of the project. The funds included in the loan request are summarized in the following table:

Work Item	Project Estimate
Design Engineering	\$41,300
Construction	\$6,500,000
Construction Contingency (10%)	\$650,000
Construction Engineering	\$550,000
Total Estimated Project Cost	\$7,741,300
Construction Period Interest (1.5%)	\$116,120
Sub-Total	\$7,857,420
Total Loan Requested	\$7,900,000

As is common with the Water Pollution Control Loan Program, the actual loan document will not be fully written until a construction contract has been awarded by the City Council and approved by the IEPA. At that point, the agreement authorized by the attached ordinance will be signed by the City Manager and the loan activated. The contractor will then be given a notice to proceed.

Construction Engineering Services

The IEPA requires that projects being supported by the Water Pollution Control Loan Program be provided with project oversight by qualified resident engineers that are familiar with the sewer rehabilitation work being proposed. A construction engineering agreement will be taken for council consideration once IEPA approves the project for bid.

ANTICIPATED SCHEDULE:

IEPA Approves the City's Facilities Plan	February 4, 2013
Plans and Specifications Submitted to the IEPA	November 2018
City Council Approves IEPA Loan Ordinance	November 2018
IEPA Approves Loan/Financial Application	February 2019
Advertise for Bid	February 2019
Pre-Bid Conference	March 2019
Bids Opened by the City	April 2019
City Council Approves Bids Contingent on IEPA Funding	April 2019
The Loan is Authorized by the IEPA	May 2019

Notice to Proceed is Issued to the Contractor
Project Completion

May 2019
Summer 2020

POTENTIAL OBJECTION: There are no known objections.

INPUT FROM OTHER SOURCES: Chastain and Associates, LLC (formally BGM and Associates).

STAFF REFERENCE: Matt Newell, Public Works Director and Paul Caswell, City Engineer. Matt Newell will attend the City Council meeting to answer any questions of the Council on this item.

LEGAL REVIEW: The Ordinance was sent to Legal for review and was approved by Corporation Counsel on October 8, 2018.

BUDGET IMPLICATIONS:

Budget Impact: The proposed loan agreement authorizes the City to borrow up to \$7,900,000 from the Water Pollution Control Loan Program. If the loan is for the full amount shown, the repayment will be approximately \$474,800 per year, paid semiannually over the 20 year life of the loan. All expenditures and the loan repayment are to be through the Sewer Fund and are included in the proposed budget, and paid from current sewer user fees.

Staffing Impact: Staff time is allocated to manage and review the construction of the McKinley Sewer.

This memorandum was prepared by Paul Caswell, P.E., City Engineer.

Attach: 2

cc: Chastain and Associates, LLC

Appendix A. Prior Council Action

- **October 6, 2008** – The City Council approved resolution R2008-160 authorizing \$135,000 to Bainbridge, Gee, Milanski & Associates (BGM) to prepare a master plan for the sanitary sewer system.
- **October 26, 2009** – The City Council received Council Memorandum 2009-102 that provided an update to the work being done on the Sanitary and Stormwater Master Plans.
- **June 3, 2010** – The City Council received Council Memorandum 2010-31 that provided an update on when the Stormwater Master Plan Funding Supplement, Sanitary Sewer Master Plan and Water Main Tapping Fee Update would be presented to council.
- **November 1, 2010** – The City Council met in Study Session to discuss the Big Four Projects; Water Infrastructure, Sanitary Sewer Infrastructure, Stormwater Infrastructure and the Police Department Space Needs. The Sanitary Sewer Master Plan discusses the need for rehabilitation of the City's Large Diameter Critical Sewers.
- **January 18, 2011** – The City Council approved resolution R2011-03 authorizing \$166,250 to Bainbridge, Gee, Milanski and Associates, Inc. to prepare the Critical Sewers Facilities Plan for Illinois Environmental Protection Agency (IEPA) approval. IEPA requires a Facility Plan to receive state administered loan program funds.
- **February 7, 2011** – The City Council approved Ordinance 2011-07 amending Chapter 74, Sanitary Sewer System, to provide a \$0.12 per year increase to the sewer rate each year for 5 years beginning on May 1, 2011.
- **May 7, 2012** – The City Council approved resolution R2012-96 authorizing \$390,471 to Bainbridge, Gee, Milanski and Associates, Inc. to Design the Lake Shore Drive Sewer Rehabilitation Project.
- **April 15, 2013** – The City Council approved Ordinance 2013-28 authorizing the City of Decatur to borrow funds from the Water Pollution Control Revolving Loan Fund.
- **April 15, 2013** – The City Council approved resolution R2013-36 authorizing an agreement with Bainbridge, Gee, Milanski and Associates, Inc. for a fee of \$550,000 to provide construction inspection services for the Lake Shore Drive Sewer Rehabilitation Project.
- **April 15, 2013** – The City Council approved resolution R2013-37 exempting the Lake Shore Drive Sewer Rehabilitation project from the hours of construction limitation required by Chapter 48, Section 12 of the City Code.
- **May 20, 2013** – The City Council approved resolution R2013-50 authorizing an agreement with Bainbridge, Gee, Milanski & Associates, Inc. to design the Union Street Sewer Rehabilitation for a fee not to exceed \$198,700.

- **April 21, 2014** – The City Council approved Ordinance 2014-16 authorizing the City of Decatur to borrow funds up to \$2,608,700 from the Water Pollution Control Loan Program to cover engineering and construction costs for the Union Street Sewer Rehabilitation project.
- **April 21, 2014** – The City Council approved resolution R2014-26 authorizing an agreement with Bainbridge, Gee, Milanski & Associates, Inc. for construction engineering and resident inspection services for the Union Street Sewer Rehabilitation project for a fee not to exceed \$204,000.
- **September 2, 2014** – The City Council approved resolution R2014-104 accepting the bid and authorizing a contract with Insituform Technologies USA, LLC for the Union Street Sewer Rehabilitation project contingent upon approval of award and loan offer from the Illinois Environmental Protection Agency. The awarded amount with contingencies was for a fee not to exceed \$2,133,811.09.
- **March 16, 2015** – The City Council approved resolution R2015-28 authorizing an agreement with Bainbridge, Gee, Milanski & Associates, Inc. to design the 7th Ward and McKinley Sewer Rehabilitation for a fee not to exceed \$297,000.
- **June 6, 2016** – The City Council approved Ordinance 2016-30 authorizing the City of Decatur to borrow funds up to \$15,296,160 from the Water Pollution Control Loan Program to cover engineering and construction costs for the 7th Ward Sewer Rehabilitation project.
- **June 6, 2016**– The City Council approved resolution R2016-64 authorizing an agreement with Bainbridge, Gee, Milanski & Associates, Inc. for construction engineering and resident inspection services for the 7th Ward Sewer Rehabilitation project for a fee not to exceed \$944,000.
- **January 17, 2017** – The City Council approved resolution R2017-01 accepting the bid and authorizing a contract with SAK Construction, LLC for the 7th Ward Sewer Rehabilitation project contingent upon approval of award and loan offer from the Illinois Environmental Protection Agency. The awarded amount with contingencies was for a fee not to exceed \$7,978,113.12.
- **August 7, 2017**– The City Council approved resolution R2017-22 authorizing a change order Chastain and Associates, LLC for design engineering for the McKinley Sewer Rehabilitation Project for a fee not to exceed 41,300.

ORDINANCE NO. _____

**ORDINANCE AUTHORIZING THE CITY OF DECATUR OF MACON COUNTY,
ILLINOIS TO BORROW FUNDS FROM THE WATER POLLUTION CONTROL
LOAN PROGRAM**

WHEREAS, the CITY of Decatur, Macon County, Illinois, operates its sewerage system (“the System”) and in accordance with the provisions of the Art. VII, Sec. 6 of the Illinois Constitution and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq. (collectively “the Act”); and

WHEREAS, the MAYOR and CITY COUNCIL of the City of Decatur (“the Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following: The rehabilitation of the McKinley Avenue Sewer, CP 2017-22 and Related Structures, L17-5498 together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (“the Project”), all in accordance with the plans and specifications prepared by the consulting engineers of the City of Decatur, which Project has a useful life of 50 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is Seven Million, Nine Hundred Thousand Dollars (\$7,900,000.00), and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 365, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 et seq., at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be from City Fund 79, “Sewer Fund” which contains the Sewer User Fees collected by the City payable semi-annually, and the loan shall mature in 20 years, which is within the period of useful life of the Project; and

WHEREAS, the costs are expected to be paid for with a loan to the City of Decatur from the Water Pollution Control Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from revenues of the System, and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, in accordance with the provisions of the Act, the City of Decatur is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of Seven Million, Nine Hundred Thousand Dollars (\$7,900,000.00), to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the City of Decatur shall be made pursuant to a Loan Agreement, including certain terms and conditions between the City of Decatur and the Illinois Environmental Protection Agency;

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Decatur, Macon County, Illinois, as follows:

SECTION 1. INCORPORATION OF PREAMBLES

The corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

SECTION 2. DETERMINATION TO BORROW FUNDS

It is necessary and in the best interests of the City of Decatur to construct the Project for the public health, safety, and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provisions of the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq.; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the City of Decatur in the aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed Seven Million, Nine Hundred Thousand Dollars (\$7,900,000.00),

SECTION 3. ADDITIONAL ORDINANCES

The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of revenues of the System, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the project or purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the City of Decatur may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the City of Decatur to pay the principal and interest due to the Water Pollution Control Loan Program without the written consent of the Illinois Environmental Protection Agency.

SECTION 4. LOAN NOT INDEBTEDNESS OF THE CITY OF DECATUR

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Decatur pursuant to this Ordinance is to be solely from the revenue derived from Sewer User Fees collected by the City, and the loan does not constitute an indebtedness of the City of Decatur within the meaning of any constitutional or statutory limitation.

SECTION 5. APPLICATION FOR LOAN

The City Manager is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Water Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 365.

SECTION 6. ACCEPTANCE OF LOAN AGREEMENT

The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Water Pollution Control Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the loan funds awarded shall be used solely for the purposes of the project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

SECTION 7. RESERVE ACCOUNTS

As long as the City of Decatur has outstanding revenue bonds payable from revenues of the system that are senior to the revenue bond authorized by this ordinance, the City of Decatur shall maintain an account, coverage and reserves equivalent to the accounts, coverages and reserves required by the outstanding ordinances.

SECTION 8. APPLICATION FOR LOAN

The City Manager is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Water Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 365.

SECTION 9. AUTHORIZATION OF CITY MANAGER OF THE CITY OF DECATUR

The City Manager is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authority authorizes the Public Works Director for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan. The loan funds received shall be used solely for the purposes of the project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

SECTION 10. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 11. REPEALER

All ordinances, resolutions, orders, or parts thereof, which conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed.

PRESENTED, PASSED, APPROVED AND RECORDED this ____ day of _____, 2018.

s/s Julie Moore Wolfe, Mayor

Attest:

s/s Kim Althoff, City Clerk

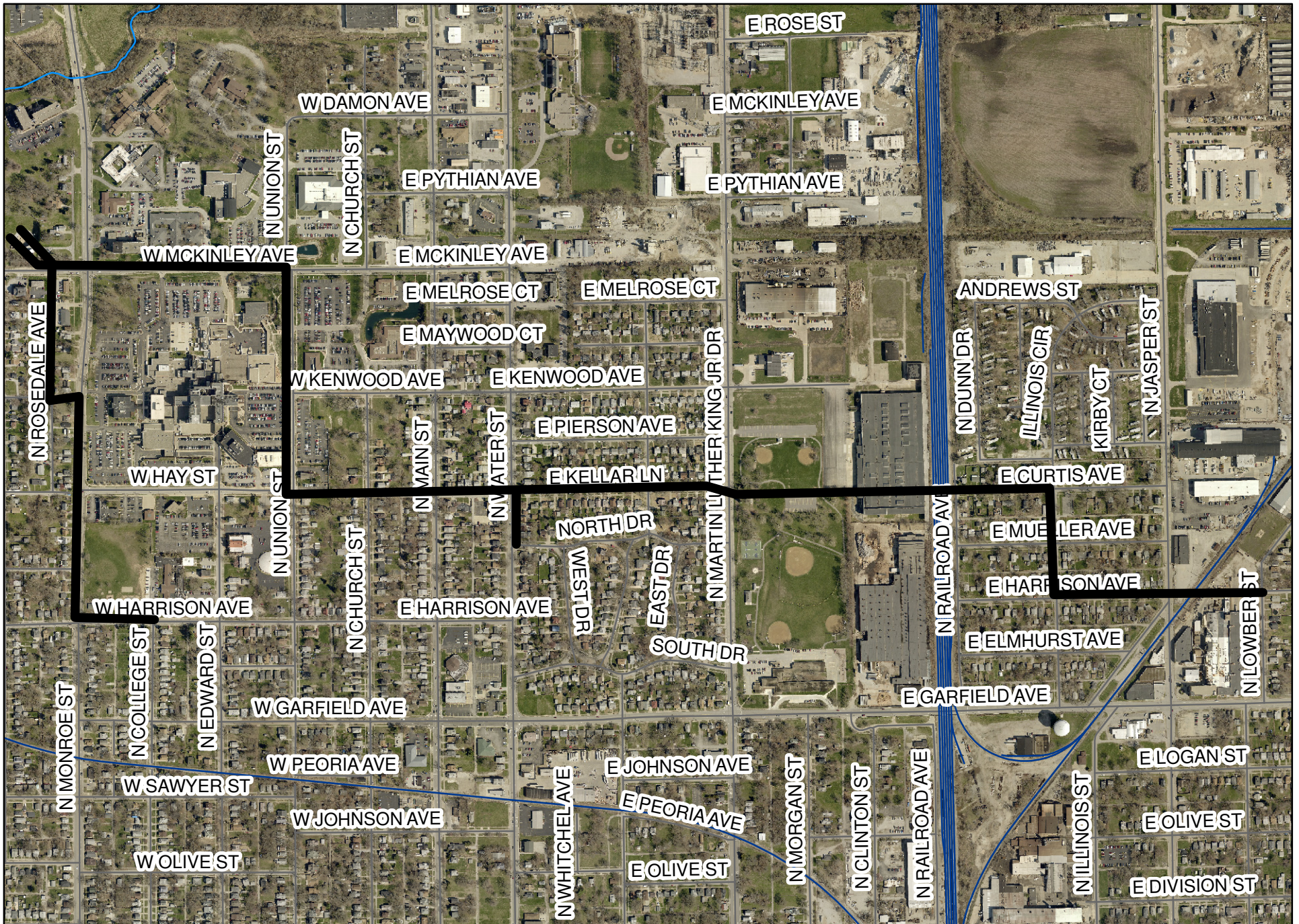
CERTIFICATION

I, Kim Althoff, do hereby certify that I am the duly elected, qualified and acting Clerk of the City of Decatur, Illinois. I do further certify that the above and foregoing, identified as Ordinance Number _____, is a true, complete and correct copy of an ordinance otherwise identified as An Ordinance Authorizing the City of Decatur, Macon County, Illinois, to Borrow Funds From The Water Pollution Control Loan Program, passed by the City Council of the City of Decatur on the _____ day of _____, 2018, and approved by the Mayor of the City of Decatur on the same said date, the original of which is part of the books and records within my control as Clerk of the City of Decatur.

Dated this _____ day of _____, 2018.

Clerk of the City of Decatur, Illinois

McKINLEY SEWER



Public Works

DATE: 10/29/2018

MEMO: 2018-56

TO: Honorable Mayor Moore Wolfe and City Council Members

FROM: Billy Tyus, Interim City Manager
Matthew C. Newell, Public Works Director
Griffin A. Enyart, Assistant City Engineer

SUBJECT: Ordinance Authorizing the Installation of Stop Signs at the Intersection of North Gulick Avenue and West Center Street Facing West Center Street

SUMMARY RECOMMENDATION: Staff recommends the approval of the attached Ordinance authorizing the installation of stop signs at the intersection of North Gulick Avenue and West Center Street facing West Center Street.

BACKGROUND:

October 25, 2018- Traffic & Parking Commission approved the request from City staff recommending that the stop signs be installed at the intersection of North Gulick Avenue and West Center Street with the stop signs facing West Center Street.

A resident notified City staff that they felt the intersection of North Gulick Avenue and West Center Street was unsafe due to a lack of traffic control. A review of the traffic accident history for the past three years found that there were safety concerns at the intersection. The traffic accident history indicated that sight distance at the intersection was not sufficient to allow the road users to follow the normal right-of-way rule as required by Federal Manual on Uniform Traffic Control Devices (MUTCD). Staff recommends that the stop signs be installed.

The Traffic & Parking Commission's recommendation is attached with the ordinance for Council's review.

SCHEDULE: Stop signs are typically installed within 14 days of approval.

PRIOR COUNCIL ACTION: None

POTENTIAL OBJECTIONS: No objections are anticipated.

INPUT FROM OTHER SOURCES: Traffic and Parking Commission

STAFF REFERENCE: Matt Newell, Public Works Director, and Griffin Enyart, Assistant City Engineer. Matt Newell, Public Works Director, will be present at the City Council meeting to answer any questions of the Council on this item.

BUDGET/TIME IMPLICATIONS:

Budget Impact: Budgetary impacts are approximately \$250 for installation of the requested signs and pavement markings.

Staffing Impact: Approximately 2 hours of staff time to make and install the signs.

ATTACHMENTS:

Description	Type
2018-56 Ordinance Authorizing the Installation of Stop Signs at the Intersection of North Gulick Avenue and West Center Street Facing West Center Street	Ordinance
2018-56 Excerpt from Traffic and Parking Commission Minutes	Backup Material
2018-56 Map	Backup Material

ORDINANCE NO. _____

**ORDINANCE AUTHORIZING THE INSTALLATION OF STOP SIGNS AT THE
INTERSECTION OF NORTH GULICK AVENUE AND WEST CENTER STREET
FACING WEST CENTER STREET**

**BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:**

Section 1. That when appropriate signs are erected giving notice thereof, the driver of a vehicle on North Gulick Avenue approaching West Center Street from the east and west shall stop and yield the right-of-way to vehicles on North Gulick Avenue which have entered the intersection of said street or which are approaching so closely thereto as to constitute an immediate hazard, but said driver having so stopped and yielded the right-of-way may proceed at such time as a safe interval occurs.

Section 2. That the provisions of all Ordinances in conflict with the provisions of this Ordinance which insofar as the same do conflict therewith be, and the same are hereby, repealed.

PRESENTED, PASSED, APPROVED AND RECORDED this 5th day of November 2018.

JULIE MOORE WOLFE, MAYOR

ATTEST:

KIM ALTHOFF, CITY CLERK

PUBLISHED this _____ day of _____, 2018.

KIM ALTHOFF, CITY CLERK

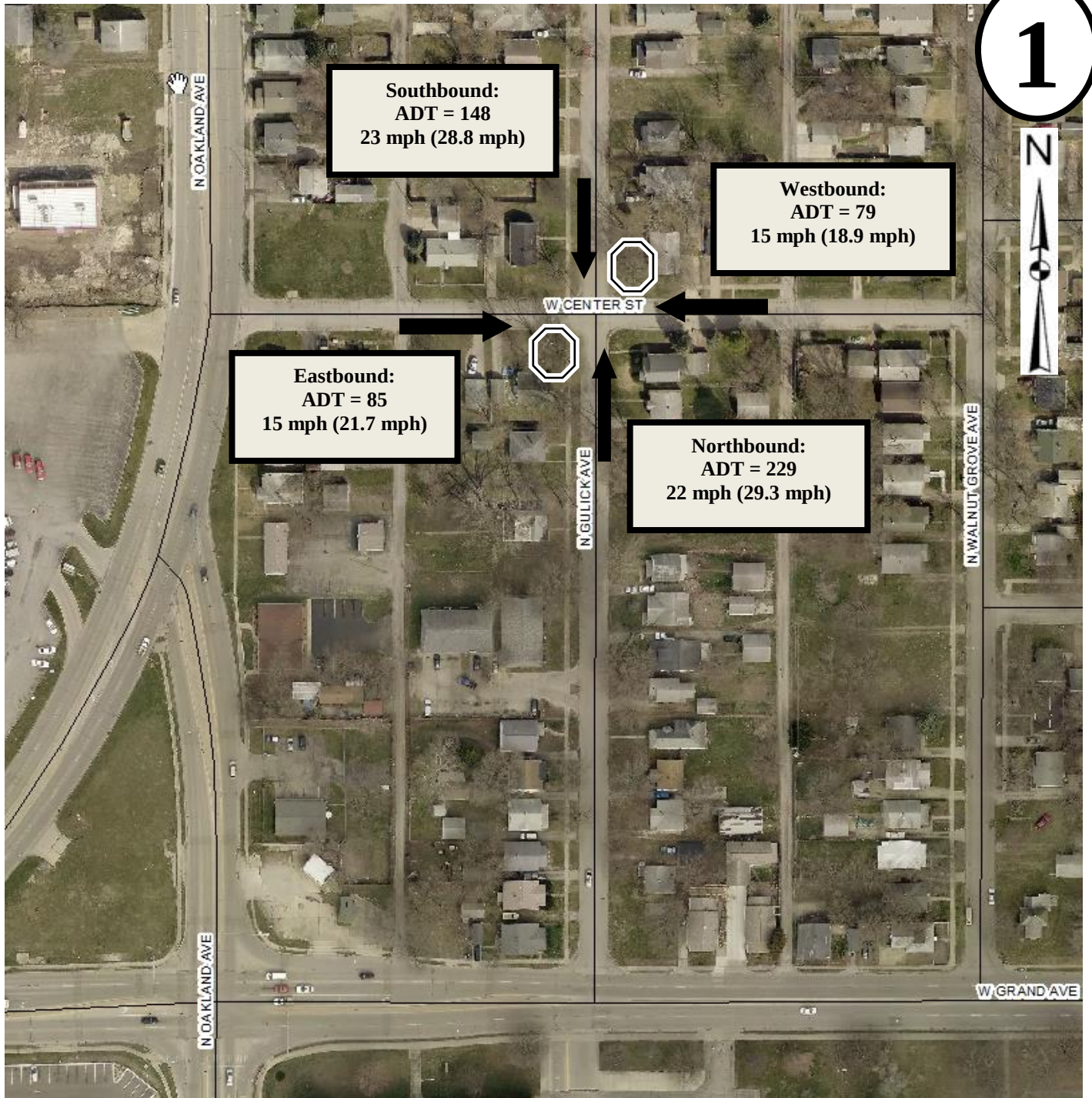
Item #1 Request for stop signs at the intersection of North Gulick Avenue and West Center Street facing West Center Street.

Griffin Enyart presented the case of a request made from a resident for stop signs at the intersection of North Gulick Avenue and West Center Street. Upon reviewing the accident records at this intersection, three accidents have occurred within the last three years involving vehicles not yielding the right-of-way to other vehicles in the intersection. These types of accidents may be corrected by the use of stop signs to inform motorists of who has the right-of-way. Traffic volume is low at this intersection, with around 541 vehicles traveling through this intersection on a weekday. Within the last three years, there has been an average of 5.06 accidents for every million vehicles entering this intersection. For reference, the Traffic & Parking Commission has used 1.5 accidents per million vehicles as a threshold for requiring stop signs at uncontrolled intersections.

City staff recommends installing two stop signs at the intersection of North Gulick Avenue and West Center Street with the stop signs facing West Center Street. The lower volumes and lower speeds of traffic on West Center Street indicates it is the minor street which should stop for North Gulick Avenue, the major street.

Ed Hurst motioned to move forward with installing two stop signs at the intersection of North Gulick Avenue and West Center Street with the stop signs facing West Center Street. Seconded by Dan Kline, and on call of the roll, Commission Members Broderick, Caswell, Hurst, Kline and Stewart voted aye. The chairman declared the motion carried.

REQUESTED STOP SIGNS NORTH GULICK AVENUE AND WEST CENTER STREET



PROPOSED STOP SIGNS

Traffic Count performed on 8/1/2018 to 8/2/2018
On-street parking may result in fewer vehicles being counted

ADT (vehicles) = Average Daily Traffic

SPEED DATA:
xx mph = Average Speed
(xx mph) = 85th Percentile Speed

City of Decatur, Illinois
Public Works Department
Engineering Division

**CITY COUNCIL MEMORANDUM
NO. 2018-11**

October 31, 2018

TO: Honorable Mayor Moore Wolfe and City Council

FROM: Billy Tyus, Interim City Manager
Wendy Morthland, Corporation Counsel

SUBJECT: Amendments to Chapter 41 – Miscellaneous Street Regulations

SUMMARY RECOMMENDATION: Staff requests that Council pass the proposed ordinance amendments regarding Chapter 41, Section 5 and Section 12.

BACKGROUND: The amendments to Chapter 41 of the City Code would provide a manner to provide for the display of sidewalk signs in the B-4 Central Business District. The amendments attempt to provide a constitutionally sound mechanism for the use of the public rights of way and utilize the process currently in place for the use of public rights of way for outdoor cafes.

The ordinance would allow sidewalk signs under the following guidelines and rules:

- Sidewalk signs would be limited to property owners or leasees in the B-4 Central Business District.
- Sidewalk signs would be required to be sandwich board type signs and could be a maximum of 6 square feet in area on any one of two sides and no greater than 4 feet in height. This is the same as those allowed with outdoor café permits.
- Sidewalk signs could not be illuminated.
- Sidewalk signs can be placed on public rights of way only between the hours of 7 a.m. and 10 p.m.
- The fee for sidewalk sign permits shall be \$25.
- Permittees would be required to indemnify the City as a condition of the permit as well as provide liability insurance in the same manner as outdoor café permittees.
- Only 1 sign would be allowed per property.
- Placement of sidewalk sign would have to allow sufficient passage under the ADA with a minimum of 4 feet of open walking space and may not obstruct the line of sight for traffic.

POTENTIAL OBJECTIONS: N/A.

INPUT FROM OTHER SOURCES: N/A.

STAFF REFERENCE: Wendy Morthland, Corporation Counsel, at 424-2807.

BUDGET/TIME IMPLICATIONS: N/A.

ORDINANCE NO. _____
ORDINANCE AMENDING CITY CODE
- CHAPTER 41 -
- MISCELLANEOUS STREET REGULATIONS-

WHEREAS, the City of Decatur recognizes the unique character and impact of limited signage in the B-4 Central Business District; and,

WHEREAS, the City of Decatur desires to allow adequate opportunity for free speech in the form of messages or images displayed on signs, while balancing that interest against public safety and aesthetic concerns impacted by signs; and,

WHEREAS, the City of Decatur desires to ensure that the design, location, construction, illumination, installation and maintenance of signs does not interfere with traffic safety, endanger public safety and enhances and protects the aesthetic value of the City by reducing visual clutter that is potentially harmful to property values, economic development and quality of life of the community; and,

NOW THEREFORE, BE IT ORDAINED ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That Chapter 41 of the City Code of the City of Decatur, Illinois, be, and same is hereby modified and amended by amending Section 5, so that Section 5 as so modified and amended, shall provide as set forth in Exhibit A attached hereto.

Section 2. That Chapter 41 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended by amending Section 12, so that Section 12 as so modified and amended, shall provide as set forth in Exhibit B attached hereto.

Section 3. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this 5th day of November, 2018.

JULIE MOORE WOLFE, MAYOR

ATTEST:

CITY CLERK

PUBLISHED this _____ day of _____, 2018.

CITY CLERK

5. BUILDINGS; SIGNS. No person shall make or cause to be made any enclosure, fence, sign, archway, building or structure of any kind upon, over, into or across any street, avenue, alley or sidewalk within the City, except (a) upon approval of the Building Inspections Manager, subject to all applicable provisions of the Building Ordinance and the Building Code; or (b) in accordance with the provisions of City Code Chapter 41, Section 12. Any person or persons granted such approval for any such enclosure, fence, sign, archway, building or structure suspended over a street or extending into a street more than fifteen (15) inches beyond the building line other than those permits issued under Chapter 41, Section 12, shall file with the City a public liability insurance policy with the City as a named insured, indemnifying the City against loss or damage to person or property in the minimum amount of One Million Dollars (\$1,000,000) per occurrence, combined single limit, and Two Million Dollars (\$2,000,000) aggregate, with a provision that the same may not be canceled except after thirty (30) days prior notice to the City. Approval for such structures or signs granted as herein provided shall be considered a privilege only and shall not be deemed to create any vested right in the continuance of such structures or signs, and such approval may be revoked in the same manner and by the same officer which granted the same. (AMENDED, Ordinance No. 2009-39, May 18, 2009) (AMENDED, Ordinance No. 96-48, July 15, 1996)

EXHIBIT A

ADDITIONS AND DELETIONS
CHAPTER 41
- MISCELLANEOUS STREET REGULATIONS-
SECTION 5.
- BUILDINGS; SIGNS-

5. BUILDINGS; SIGNS. No person shall make or cause to be made any enclosure, fence, sign, archway, building or structure of any kind upon, over, into or across any street, avenue, alley or sidewalk within the City, except (a) upon approval of the Building Inspections Manager, subject to all applicable provisions of the Building Ordinance and the Building Code; or (b) in accordance, with the provisions of City Code Chapter 41, Section 12. Any person or persons granted such approval for any such enclosure, fence, sign, archway, building or structure suspended over a street or extending into a street more than fifteen (15) inches beyond the building line other than those permits issued under Chapter 41, Section 12 shall file with the City a public liability insurance policy with the City as a named insured, indemnifying the City against loss or damage to person or property in the minimum amount of One Million Dollars (\$1,000,000) per occurrence, combined single limit, and Two Million Dollars (\$2,000,000) aggregate, with a provision that the same may not be canceled except after thirty (30) days prior notice to the City. Approval for such structures or signs granted as herein provided shall be considered a privilege only and shall not be deemed to create any vested right in the continuance of such structures or signs, and such approval may be revoked in the same manner and by the same officer which granted the same. (AMENDED, Ordinance No. 2009-39, May 18, 2009) (AMENDED, Ordinance No. 96-48, July 15, 1996)

12. PERMITS FOR USE OF SIDEWALKS AND PUBLIC PLACES.

A. DEFINITIONS.

(1) **APPLICANT** shall mean the person or entity who has applied for but not yet been granted a permit allowing for the operation of an outdoor café or the placement of a sidewalk sign in the B-4 Central Business District. (Amended, Ordinance 2012-52, July 30, 2012)

(2) **BUMP OUT** shall mean the areas where the sidewalk is extended further into the public right of way to provide for more pedestrian space. Bump outs are typically found at the corners of each intersection or mid-block of a street. (Amended, Ordinance 2012-52, July 30, 2012)

(3) **ELECTRIC CONNECTION FEE** shall mean the fee associated with connecting to the electrical outlets located within the base of the City's light poles in the public right of way. (Amended, Ordinance 2012-52, July 30, 2012)

(4) **FOOD SERVICE ESTABLISHMENTS** are those establishments as defined and licensed by the Macon County Board of Health.

(5) **LIQUOR ESTABLISHMENTS** are those establishments holding a valid liquor license issued by the City of Decatur.

(6) **OUTDOOR CAFÉ** shall mean a use of public sidewalk by a food service establishment or liquor establishment occupying and using a building, for the immediate serving of food and beverages and adjacent to said building or on sidewalks contiguous to the sidewalk adjacent to the building occupied by the establishment. The use will be characterized by the outdoor use of tables, chairs, umbrellas, and other equipment. (Amended, Ordinance 2012-52, July 30, 2012)

EXHIBIT B

(7) PERMIT AREA shall mean the sidewalk area designated on the permit specifying the area of operation of an outdoor café or placement of a sidewalk sign. (Amended, Ordinance 2012-52, July 30, 2012)

(8) PERMITTEE shall mean the person or entity owning or operating a food service or liquor establishment who has a valid permit allowing for the operation of an outdoor café or a person or entity owning property or having a leasehold interest in the B-4 Central Business District as set forth in the City of Decatur Zoning Ordinances, who has a valid permit allowing for a Central Business District sidewalk sign. (Amended, Ordinance 2012-52, July 30, 2012)

(9) PLAZA AREA shall mean those areas, public right of way, and sidewalks as determined by the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012)

(10) SIDEWALK SIGN shall mean a sign located in the B-4 Central Business District on a sidewalk or public property as allowed by a permit issued pursuant to this Section.

B. PERMITS REQUIRED.

(1) No person, firm or corporation shall use any street, alley, sidewalk, parkway or other public place for the placement of signs or for the storage, sale or display of any goods, wares or merchandise, except as expressly provided herein; provided that, the City Manager may authorize sidewalk sale permits to be issued for the display and sale of goods and merchandise on sidewalks in areas designated by such officer for periods of time not exceeding three (3) days. A sidewalk sale permit shall designate what portions of the sidewalk shall be used for such purpose. The fee for such permit shall be \$25.00, and may not be pro-rated. (Amended, Ordinance No. 2007-63, July 16, 2007)

(2) It shall be unlawful for any person to operate an outdoor café without an outdoor café permit.

(3) It shall be unlawful for any entity or person to place, cause to be placed, or allow the placement of a sign on any street, alley, sidewalk, parkway or other public place without a sidewalk sign permit.

(4) The Public Works Director or designee may issue a permit for the use of public sidewalks for outdoor cafés or sidewalk signs, subject to the conditions set forth herein. The permits must be displayed in the window of the establishment or property at all times. (Amended, Ordinance 2012-52, July 30, 2012)

(5) Permits issued hereunder shall expire and terminate on the 31st day of December next following the effective date thereof.

(i) The minimum fee for outdoor café permits shall be \$150.00 with an additional charge of \$1.00 per square foot for every square foot over 100 square feet of outdoor café space at a maximum fee of \$1,000.00. (Amended, Ordinance 2012-53, July 30, 2012)

(ii) The fee for sidewalk sign permits shall be \$25.00.

(6) Outdoor café permittees only may connect electrical devices to an electric outlet located near the base of most street light poles. The electric connection fee shall be \$10.00 per month and electricity shall be extracted as approved by the Public Works Director. No person, firm or corporation shall connect electrical devices to the electric outlet located approximately 10 feet above the sidewalk on most street light poles, except during the months of November, December and January for the purpose of decorative holiday lighting. (Amended, Ordinance 2012-52, July 30, 2012)

(7) Permit areas shall be adjacent to said building, or on sidewalks contiguous to the sidewalk adjacent to the building and shall be within the frontage area of the business or property of permittee. If the proposed outdoor café area extends to areas abutting the property of another, the consent of that property owner shall be obtained in written form prior to approval of permit and shall be part of the permit. (Amended, Ordinance 2012-52, July 30, 2012)

(8) Subject to the requirements of the Code, café permit holders shall, as part of the right granted pursuant to the permit, be entitled to remove or exclude persons from the permit area during hours of business operation. Such permittee is authorized to give notice to any such person to prevent such entry. Neither cover charge nor minimum purchase may be required for admittance to an outdoor café area in the public right-of-way. Permit holders shall comply with all laws, statutes, and ordinances in the use and service of said public rights of way.

(Amended, Ordinance 2012-52, July 30, 2012)

C. APPLICATION. The application for permits shall be made on City of Decatur forms and submitted to the Public Works Director, together with the fee, and shall, at minimum include the following: (Amended, Ordinance 2012-52, July 30, 2012)

(1) The name, address, and telephone number of the owner of the property and the name, address, and telephone number of the applicant, if different. (Amended, Ordinance 2012-52, July 30, 2012)

(2) For outdoor café permits, a scaled drawing showing, at a 30 inch height above the permit area, the location of any tables, chairs or other furniture, or of any object or structure whatsoever to be used in conjunction with such sale and service of food and which will be placed in or around any of the permit areas, location of ingress and egress, the curb line and any existing public or utility-owned equipment facilities in or adjacent to the area proposed which are

visible to the eye, including but not limited to trees, manhole covers and utility poles and openings.
(Amended, Ordinance 2012-52, July 30, 2012)

(3) For outdoor café permits, a copy of a valid permit to operate a food service establishment from the Macon County Health Department. (Amended, Ordinance 2012-52, July 30, 2012)

(4) For outdoor café permits, an operations plan specifying the proposed dates, days and hours of operation of the outdoor café area, the hours of operation of the adjacent restaurant, and maximum seating capacity for the outdoor café area. (Amended, Ordinance 2012-52, July 30, 2012)

(5) For outdoor café permits, photographs and catalog cuts of any proposed temporary fencing products shall be submitted with the application and are subject to approval by the Public Works Director.

(6) An executed Indemnity Agreement in a form approved by the City.
(Amended, Ordinance 2012-52, July 30, 2012)

(7) Certificates of insurance as per the requirements established herein.
(Amended, Ordinance 2012-52, July 30, 2012)

(8) Any other information related to the requirements of this chapter that the Public Works Director may require. (Amended, Ordinance 2012-52, July 30, 2012)

D. REVIEW OF APPLICATION.

(1) The Public Works Director or designee shall review the application for a permit and determine whether the permit shall be issued. The decision of the Public Works Director shall be a final administrative decision. (Amended, Ordinance 2012-52, July 30, 2012)

(2) The applicant shall supply all of the information required on or by the application, and any additional information as reasonably requested by the Public Works Director as a condition precedent to the issuance of a permit. (Amended, Ordinance 2012-52, July 30, 2012)

E. RULES AND REGULATIONS.

(1) Tables chairs, umbrellas, sandwich boards, and other permissible equipment as approved by the permit, shall be located in the area so that the line of sight for traffic is not obstructed and so that there remains open, at all times, a longitudinal walking space, the location of which shall be determined by the Public Works Director or designee, of a minimum of four (4) feet in width, which distance may be increased if the Public Works Director deems it necessary for pedestrian safety, with a cross-slope not to exceed Americans with Disability Act (ADA) requirements. All tables, chairs, signs and other objects must be removed when snow is present on the sidewalk or as otherwise directed by the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012)

(2) The permit for the specified use shall be limited to no earlier than 7 a.m. and no later than 10 p.m. (Amended, Ordinance 2012-52, July 30, 2012)

(3) Permittees shall use permits issued in a reasonable manner with due regard for the health and safety of persons and property. No physical alterations to public property shall be made without the written permission of the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012)

(4) No signs, banners, sandwich boards or other like advertising, except for one (1) sandwich board per property, no larger than six (6) square feet in area on any one of two sides, no greater than four (4) feet in height free of any illumination or electric capability shall be located in

the permit area. (Amended, Ordinance 2012-52, July 30, 2012) Sign height will be calculated by measuring the vertical distance above grade to the highest point of the sign.

(5) The Public Works Director may promulgate administrative rules which relate to the requirements contained in this article. Upon reasonable notice of the same, the administrative rules shall be binding upon and followed by, the permittee. (Amended, Ordinance 2012-52, July 30, 2012)

(6) For outdoor cafés only

(i) Permittees shall keep the permit area free of litter, cans, bottles and spills at all times. The permittee shall promptly collect and dispose of all litter, trash and other waste materials associated with the outdoor café, including material in the adjacent public right-of-way or property originating from the outdoor café area. The permittee shall dispose of any such waste in their own trash containers only. No litter is to be allowed to wash down the storm sewer system. The permittee shall sweep the sidewalk café area daily and shall wash the area using water at least weekly. (Amended, Ordinance 2012-52, July 30, 2012)

(ii) No permit will be allowed if seats or equipment in the outdoor café result in the need for additional restrooms and unless such additional restrooms are provided by the applicant as required per the State of Illinois Plumbing Code. (Amended, Ordinance 2012-52, July 30, 2012)

(iii) Food preparation is prohibited on the public sidewalk except as allowed by permit. (Amended, Ordinance 2012-52, July 30, 2012)

(iv) Live entertainment shall be allowed within the outdoor café permit area; a “Downtown Entertainment Permit” is required per Section 18 of this Chapter. No fee is required for this permit. This provision shall also include piped-in sound, so long as such sounds otherwise

do not create a nuisance. Any owner or operator licensed under the outdoor café permit provisions hereof may serve alcoholic liquor for consumption on said public sidewalks adjacent to the licensed restaurant, provided that (1) said restaurant is also properly licensed for the sale of alcoholic liquor for consumption on the premises, in which case the adjacent sidewalk or sidewalks shall be considered an extension of such licensed premises and shall be subject to all rules, regulations and restrictions applying to such premises; and (2) any alcohol served at an outdoor table must be served in a glass or plastic cup. Beer cans or bottles are prohibited and wine bottles must be presented in a sheath or ice bucket; and (3) the City is named as an additional insured on the owner's or operator's dram shop insurance policy, with a Certificate of Insurance furnished to the City showing such fact and providing 30 days' notice to all insured prior to cancellation. (Amended, Ordinance 2012-52, July 30, 2012)

(v) All alcoholic liquor consumed in an outdoor café will have a last call at 11:30 p.m. with all alcoholic liquor removed from the outdoor café by 12:00 a.m. (Amended, Ordinance 2012-52, July 30, 2012)

(vi) The following types of furniture or other equipment may be utilized in an outdoor café that is not located in a plaza area:

- (1) Tables and chairs
- (2) Umbrellas
- (3) Waste receptacles
- (4) Busing carts
- (5) Planters
- (6) One (1) sandwich board sign

Said furniture and other equipment shall be portable, shall not be chained, bolted or otherwise secured together as a unit, shall not be affixed to the surface of the permit area, and shall be removed on a nightly basis within thirty minutes after cessation of service in the outdoor café .
(Amended, Ordinance 2012-52, July 30, 2012)

(vii) The following types of furniture or other equipment may be utilized in an outdoor café that is located in a plaza area:

- (1)** Tables and chairs
- (2)** Umbrellas
- (3)** Waste receptacles
- (4)** Busing carts
- (5)** Planters
- (6)** One (1) sandwich board sign
- (7)** Fencing or other physical barriers on the boundary of the permit area.
- (8)** Portable bars.
- (9)** Portable heaters (Must be UL rated, sized for intended electrical consumption, and inspected by City's electrical inspector).

Said furniture and other equipment may be chained, bolted or otherwise secured together as a unit, may be affixed or otherwise secured to the surface of the permit area to the extent that said action is specifically authorized in the outdoor café permit, and shall not be required to be removed on a nightly basis. At the discretion of the Public Works Director, the furniture and/or equipment may be ordered removed to protect public health, safety and welfare.
(Amended, Ordinance 2012-52, July 30, 2012)

(viii) The maximum allowable dimension for tables shall be forty-eight (48) inches in diameter, forty-eight (48) inches in width or length, and thirty-eight (38) inches in height. (Amended, Ordinance 2012-52, July 30, 2012)

(ix) Tables shall be freestanding with detached chairs or seating, unless it is determined that another design meets the intent of these regulations and a specific exception is specifically granted in writing by the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012)

(x) Umbrellas shall have a maximum diameter of nine (9) feet, a weighted base and be fabric covered. When open, a seven (7) foot clearance from the lowest part of the canopy to ground level is required. Advertising of any kind is not allowed on said umbrella. (Amended, Ordinance 2012-52, July 30, 2012)

(xi) The placement of portable heaters must be reviewed and approved by the City's Fire Inspector. No electrical cords shall extend over the public ADA portion of the sidewalk. (Amended, Ordinance 2012-52, July 30, 2012)

(xii) Liquor establishments without kitchens may have no more seating in a sidewalk café area that equal to the number of seats inside their establishment, and they may extend no further than the establishment. (Amended, Ordinance 2012-52, July 30, 2012)

F. USE, SUSPENSION AND REVOCATION.

(1) The use of a public sidewalk pursuant to the issuance of a permit under the provisions of this Chapter and Section shall be subject to temporary suspension or termination at any time by the City Manager in the interest of the public health, safety and welfare. Except for instances of bona fide emergencies, to the extent that a permit area is needed by the City for the purposes for which it was dedicated, or any other public purpose, the Public Works Director, Police

Chief or Fire Chief may upon written notice reasonably calculated to advise the permittee of such temporary suspension or termination and provide the permittee a reasonable amount of time under the circumstances, to remove its furniture, sign and other impediments from the right of way, and assume full possession and control of the permit area. The permittee shall remove all furniture, signs and impediments from the right-of-way within the time specified by the notice. If not removed by the permittee, the City shall be authorized to remove all furniture, signs and other objects of permittee from the permit area. (Amended, Ordinance 2012-52, July 30, 2012)

(2) If such is not reclaimed by the permittee within seven (7) days after removal by the City, the property shall be presumed abandoned and subject to disposal. (Amended, Ordinance 2012-52, July 30, 2012)

(3) If permittee does not agree with the Decision to suspend or terminate, it may appeal the Notice to the City Manager or designee in writing within 3 business days from the date Notice was sent setting forth all defenses to the suspension or revocation. A decision will be issued in writing by the City Manager or designee within 3 business days.

G. PUBLIC PROPERTY. The provisions of this section shall apply only to the locating of outdoor cafés and signs on public property or public right-of-way and shall not apply to any private property. (Amended, Ordinance 2012-52, July 30, 2012)

H. INDEMNIFICATION.

(1) As an express condition of the issuance of the permit, each applicant shall indemnify and hold harmless the City against all claims, injuries, demands, losses, liability, loss, injury, death or damage whatsoever, including reasonable attorney's fees and costs of suit, in connection with or arising out of the use of the permit by anyone, except where the claim is the result of the sole negligence of the City. (Amended, Ordinance 2012-52, July 30, 2012)

(2) As an express condition of the issuance of the permit, the permittee shall, within seven (7) days after the billing date, pay to the City all costs associated with damage to the pavement or other City-owned facilities located in or adjacent to the permit area caused by operation of the permit or the cleaning of or trash removal from the permit area or adjacent premises occasioned by the failure of the permittee to clean or remove such trash pursuant to an outdoor café permit. Failure to do so shall be a violation of this Chapter, and subject the permittee to a fine or fines, and/or revocation of the privileges granted herein. (Amended, Ordinance 2012-52, July 30, 2012)

I. INSURANCE. Every permittee shall obtain, and at all times thereafter during the license year keep in full force and effect, general liability and property damage insurance, with the City as an additional named insured and in amounts not less than \$1,000,000 per occurrence, \$2,000,000 combined, single limit; said applicant shall file with the City a Certificate of Insurance evidencing such fact, and said Certificate shall provide for not less than 30 days' notice to all insured prior to cancellation. (Amended, Ordinance 2012-52, July 30, 2012)

ADDITIONS AND DELETIONS
CHAPTER 41
- MISCELLANEOUS STREET REGULATIONS-
SECTION 12.
- PERMITS FOR USE OF SIDEWALKS AND PUBLIC PLACES-

12. PERMITS FOR USE OF SALES ON SIDEWALKS AND PUBLIC PLACES.

A. DEFINITIONS.

(1) APPLICANT ~~Applicant~~ shall mean the person or entity ~~operating a food service or liquor establishment~~ who has applied for but not yet been granted a permit allowing for the operation of an outdoor café or the placement of a sidewalk sign in the B-4 Central Business District. (Amended, Ordinance 2012-52, July 30, 2012)

(2) BUMP OUT ~~Bump-out~~ shall mean the areas where the sidewalk is extended further into the public right of way to provide for more pedestrian space. Bump outs are typically found at the corners of each intersection or mid-block of a street. (Amended, Ordinance 2012-52, July 30, 2012)

(3) ELECTRIC CONNECTION FEE ~~Electric Connection Fee~~ shall mean the fee associated with connecting to the electrical outlets located within the base of the City's light poles in the public right of way. (Amended, Ordinance 2012-52, July 30, 2012)

(4) FOOD SERVICE ESTABLISHMENTS are those establishments as defined and licensed by the Macon County Board of Health.

(5) LIQUOR ESTABLISHMENTS are those establishments holding a valid liquor license issued by the City of Decatur.

(6) OUTDOOR CAFÉ ~~(4) Outdoor Café~~ shall mean a use of public sidewalk by a food service establishment or liquor establishment occupying and using a building,

for the immediate serving of food and beverages and adjacent to said building or on sidewalks contiguous to the sidewalk adjacent to the building occupied by the establishment. The use will be characterized by the outdoor use of tables, chairs, umbrellas, and other equipment. (Amended, Ordinance 2012-52, July 30, 2012)

(7) PERMIT AREA ~~(5) Outdoor Café Permit Area~~ shall mean the sidewalk area designated on the permit specifying the area of operation of an outdoor café or placement of a sidewalk sign of outdoor café. (Amended, Ordinance 2012-52, July 30, 2012)

(8) PERMITTEE ~~(6) Permittee~~ shall mean the person or entity owning or operating a food service or liquor establishment who has a valid permit allowing for the operation of an outdoor café or a person or entity owning property or having a leasehold interest in the B-4 Central Business District as set forth in the City of Decatur Zoning Ordinances, who has a valid permit allowing for a Central Business District sidewalk sign. (Amended, Ordinance 2012-52, July 30, 2012)

(9) PLAZA AREA ~~(7) Plaza Area~~ shall mean those areas, public right of way, and sidewalks as determined by the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012)

(10) SIDEWALK SIGN shall mean a sign located in the B-4 Central Business District on a sidewalk or public property as allowed by a permit issued pursuant to this Section.

B. PERMITS REQUIRED.

(1) No person, firm or corporation shall use any street, alley, sidewalk, parkway or other public place for the placement of signs or for the storage, sale or display of any goods, wares or merchandise, except as expressly provided herein; provided that, the City Manager may

authorize sidewalk sale permits to be issued for the display and sale of goods and merchandise on sidewalks in areas designated by such officer for periods of time not exceeding three (3) days. A sidewalk sale permit shall designate what portions of the sidewalk shall be used for such purpose. The fee for such permit shall be \$25.00, and may not be pro-rated. (Amended, Ordinance No. 2007-63, July 16, 2007)

(2) It shall be unlawful for any person to operate an outdoor café without an outdoor café permit.

(3) It shall be unlawful for any entity or person to place, cause to be placed, or allow the placement of a sign on any street, alley, sidewalk, parkway or other public place without a sidewalk sign permit.

(4) The Public Works Director or designee may issue a permit ~~an outdoor café permit~~ for the use of public sidewalks for outdoor cafés or sidewalk signs ~~to the owner or operator of any food service establishment or liquor establishment, as defined and licensed by the Macon County Board of Health~~, subject to the conditions set forth herein. The ~~outdoor café~~ permits must be displayed in the window of the establishment or property at all times. (Amended, Ordinance 2012-52, July 30, 2012)

(5) Permits issued hereunder shall expire and terminate on the 31st day of December next following the effective date thereof.

(i) The minimum fee for ~~such~~ outdoor café permits shall be \$150.00 ~~for all outdoor cafés~~. with an additional charge of \$1.00 per square foot for every square foot over 100 square feet of outdoor café space ~~, there will be an additional charge of \$1.00 per square foot at a maximum fee of \$1,000.00. The fee may not be pro-rated except for the calendar year 2012.~~ (Amended, Ordinance 2012-53, July 30, 2012)

(ii) The fee for sidewalk sign permits shall be \$25.00.

(6) Outdoor café Permittees only may connect electrical devices to an electric outlet located near the base of most street light poles. The electric connection fee shall be \$10.00 per month and electricity shall be extracted as approved by the Public Works Director. No person, firm or corporation shall connect electrical devices to the electric outlet located approximately 10 feet above the sidewalk on most street light poles, except during the months of November, December and January for the purpose of decorative holiday lighting. (Amended, Ordinance 2012-52, July 30, 2012)

~~(7) An outdoor café permittee shall occupy and use a building for the sale and service of food and beverages for immediate consumption. Permit areas. The outdoor café permit area shall be adjacent to said building, or on sidewalks contiguous to the sidewalk adjacent to the building and shall be within the frontage area of the business or property of permittee. occupied by the establishment.~~ If the proposed outdoor café area extends to areas abutting the property of another, the consent of that property owner shall be obtained in written form prior to approval of permit and shall be part of the permit. (Amended, Ordinance 2012-52, July 30, 2012)

(8) Subject to the requirements of the Code, café ~~the~~ permit holders shall, as part of the right granted pursuant to the permit, be entitled to remove or exclude persons from the permit area during hours of business operation. Such permittee is authorized to give notice to any such person to prevent such entry. Neither cover charge nor minimum purchase may be required for admittance to an outdoor café area in the public right-of-way. Permit holders shall comply with all laws, statutes, and ordinances in the use and service of said public rights of way.

(Amended, Ordinance 2012-52, July 30, 2012)

C. APPLICATION. The application for ~~outdoor café~~ permits shall be made on City of Decatur forms and submitted to the Public Works Director, together with the fee, and shall, at minimum include the following: (Amended, Ordinance 2012-52, July 30, 2012)

(1) The name, address, and telephone number of the owner of the property and the name, address, and telephone number of the applicant, if different. ~~food service or liquor establishment related to the permit.~~ (Amended, Ordinance 2012-52, July 30, 2012)

(2) For outdoor café permits, a ~~A~~-scaled drawing showing, at a 30 inch height above the permit area, the location of any tables, chairs or other furniture, or of any object or structure whatsoever to be used in conjunction with such sale and service of food and which will be placed in or around any of the permit areas, location of ingress and egress, the curb line and any existing public or utility-owned equipment facilities in or adjacent to the area proposed which are visible to the eye, including but not limited to trees, manhole covers and utility poles and openings. (Amended, Ordinance 2012-52, July 30, 2012)

(3) For outdoor café permits, a ~~A~~ copy of a valid permit to operate a food service establishment from the Macon County Health Department. (Amended, Ordinance 2012-52, July 30, 2012)

(4) For outdoor café permits, an ~~An~~ operations plan specifying the proposed dates, days and hours of operation of the outdoor café area, the hours of operation of the adjacent restaurant, and maximum seating capacity for the outdoor café area. (Amended, Ordinance 2012-52, July 30, 2012)

(5) For outdoor café permits, p~~Photographs and catalog cuts of any proposed temporary fencing products shall be submitted with the application and are subject to approval by the Public Works Director.~~

(6) An executed Indemnity Agreement in a form approved by the City.
(Amended, Ordinance 2012-52, July 30, 2012)

(7) Certificates of insurance as per the requirements established herein.
(Amended, Ordinance 2012-52, July 30, 2012)

(8) Any other information related to the requirements of this chapter that the Public Works Director may require. (Amended, Ordinance 2012-52, July 30, 2012)

D. REVIEW OF APPLICATION.

(1) The Public Works Director or designee shall review the application for ~~a an~~ ~~outdoor-café~~ permit and determine whether the permit shall be issued. The decision of the Public Works Director shall be a final administrative decision. (Amended, Ordinance 2012-52, July 30, 2012)

(2) The applicant shall supply all of the information required on or by the application, and any additional information as reasonably requested by the Public Works Director as a condition precedent to the issuance of a permit. (Amended, Ordinance 2012-52, July 30, 2012)

E. RULES AND REGULATIONS.

(1) Tables, chairs, umbrellas, sandwich boards, and other permissible equipment as approved by the permit, shall be located in the ~~outdoor-café~~ area so that the line of sight for traffic is not obstructed and so that there remains open, at all times, a longitudinal walking space, the location of which shall be determined by the Public Works Director or designee, of a minimum of four (4) feet in width, which distance may be increased if the Public Works Director deems it necessary for pedestrian safety, with a cross-slope not to exceed Americans with Disability Act (ADA) requirements. All tables, chairs, signs and other objects must be removed when snow is

present on the sidewalk or as otherwise directed by the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012)

(2) The permit for the specified use ~~operation of a permitted outdoor café~~ shall be limited to ~~the restaurant's normal hours and days of operation~~ no earlier than 7 a.m. and no later than 10 p.m. (Amended, Ordinance 2012-52, July 30, 2012)

(3) Permittees shall use permits issued ~~(4) Any person making use of an outdoor café area shall do so~~ in a reasonable manner with due regard for the health and safety of persons and property. No physical alterations to public property shall be made without the written permission of the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012)

(4) ~~(14)~~ No signs, banners, sandwich boards or other like advertising, except for one (1) sandwich board per property, no larger than six (6) square feet in area on any one of two sides, no greater than four (4) feet in height free of any illumination or electric capability shall be located in the permit area. (Amended, Ordinance 2012-52, July 30, 2012) Sign height will be calculated by measuring the vertical distance above grade to the highest point of the sign.

(5) ~~(16)~~ The Public Works Director may promulgate administrative rules which relate to the requirements contained in this article. Upon reasonable notice of the same, the administrative rules shall be binding upon and followed by, the permittee. (Amended, Ordinance 2012-52, July 30, 2012)

(6) For outdoor cafés only

(i) ~~(5)~~ The Permittees shall keep the permit area free of litter, cans, bottles and spills at all times. The permittee shall promptly collect and dispose of all litter, trash and other waste materials associated with the outdoor café area, including material in the adjacent public right-of-way or property originating from the outdoor café area. The permittee shall dispose of any

such waste in their own trash containers only. No litter is to be allowed to wash down the storm sewer system. The permittee shall sweep the sidewalk café area daily and shall wash the area using water at least weekly. (Amended, Ordinance 2012-52, July 30, 2012)

(ii) ~~(3)~~ No permit will be allowed if seats or equipment in the outdoor café result in the need for additional restrooms and unless such additional restrooms are provided by the applicant as required per the State of Illinois Plumbing Code. (Amended, Ordinance 2012-52, July 30, 2012)

(iii) ~~(6)~~ Food preparation is prohibited on the public sidewalk except as allowed by permit. (Amended, Ordinance 2012-52, July 30, 2012)

(iv) ~~(7)~~ Live entertainment shall be allowed within the outdoor café permit area; a “Downtown Entertainment Permit” is required per Section 18 of this Chapter. No fee is required for this permit. This provision shall also include piped-in sound, so long as such sounds otherwise do not create a nuisance. Any owner or operator licensed under the outdoor café permit provisions hereof may serve alcoholic liquor for consumption on said public sidewalks adjacent to the licensed restaurant, provided that (1) said restaurant is also properly licensed for the sale of alcoholic liquor for consumption on the premises, in which case the adjacent sidewalk or sidewalks shall be considered an extension of such licensed premises and shall be subject to all rules, regulations and restrictions applying to such premises; and (2) any alcohol served at an outdoor table must be served in a glass or plastic cup. Beer cans or bottles are prohibited and wine bottles must be presented in a sheath or ice bucket; and (3) the City is named as an additional insured on the owner's or operator's dram shop insurance policy, with a Certificate of Insurance furnished to the City showing such fact and providing 30 days notice to all insured prior to cancellation. (Amended, Ordinance 2012-52, July 30, 2012)

(v) ~~(8)~~ All alcoholic liquor consumed in an outdoor café will have a last call at 11:30 p.m. ~~W~~with all alcoholic liquor removed from the outdoor café by 12:00 a.m.

(Amended, Ordinance 2012-52, July 30, 2012)

(vi) ~~(9)~~ The following types of furniture or other equipment may be utilized in an outdoor café that is not located in a plaza area:

- (1)** Tables and chairs
- (2)** Umbrellas
- (3)** Waste receptacles
- (4)** Busing carts
- (5)** Planters
- (6)** One (1) sandwich board sign

Said furniture and other equipment shall be portable, shall not be chained, bolted or otherwise secured together as a unit, shall not be affixed to the surface of the permit area, and shall be removed on a nightly basis within thirty minutes after cessation of service in the outdoor café .

(Amended, Ordinance 2012-52, July 30, 2012)

(vii) ~~(10)~~ The following types of furniture or other equipment may be utilized in an outdoor café that is located in a plaza area:

- (1)** Tables and chairs
- (2)** Umbrellas
- (3)** Waste receptacles
- (4)** Busing carts
- (5)** Planters
- (6)** One (1) sandwich board sign

(7) Fencing or other physical barriers on the boundary of the permit area.

(8) Portable bars.

(9) Portable heaters (Must be UL rated, sized for intended electrical consumption, and inspected by City's electrical inspector).

Said furniture and other equipment may be chained, bolted or otherwise secured together as a unit, may be affixed or otherwise secured to the surface of the permit area to the extent that said action is specifically authorized in the outdoor café permit, and shall not be required to be removed on a nightly basis. At the discretion of the Public Works Director, the furniture and/or equipment may be ordered removed to protect public health, safety and welfare. (Amended, Ordinance 2012-52, July 30, 2012)

(viii) ~~(11)~~ The maximum allowable dimension for tables shall be forty-eight (48) inches in diameter, forty-eight (48) inches in width or length, and thirty-eight (38) inches in height. (Amended, Ordinance 2012-52, July 30, 2012)

(ix) ~~(12)~~ Tables shall be freestanding with detached chairs or seating, unless it is determined that another design meets the intent of these regulations and a specific exception is specifically granted in writing by the Public Works Director. (Amended, Ordinance 2012-52, July 30, 2012)

(x) ~~(13)~~ Umbrellas shall have a maximum diameter of nine (9) feet, a weighted base and be fabric covered. When open, a seven (7) foot clearance from the lowest part of the canopy to ground level is required. Advertising of any kind is not allowed on said umbrella. (Amended, Ordinance 2012-52, July 30, 2012)

(xi) ~~(15)~~ The placement of portable heaters must be reviewed and approved by the City's Fire Inspector. No electrical cords shall extend over the public ADA portion of the sidewalk. (Amended, Ordinance 2012-52, July 30, 2012)

(xii) ~~(17)~~ Liquor establishments without kitchens may have no more seating in a sidewalk café area that equal to the number of seats inside their establishment, and they may extend no further than the establishment. (Amended, Ordinance 2012-52, July 30, 2012)

F. TEMPORARY USE, SUSPENSION AND REVOCATION.

(1) The use of a public sidewalk pursuant to the issuance of a permit under the provisions of this Chapter and Section ~~as an outdoor café area~~ shall be subject to temporary suspension or termination at any time by the City Manager in the interest of the public health, safety and welfare. Except for instances of bona fide emergencies, ~~To the extent that a permit area is needed by the City for the purposes for which it was dedicated, or any other public purpose, the Public Works Director, Police Chief or Fire Chief~~ City may upon written notice reasonably calculated to advise the permittee of such temporary suspension or termination and provide the permittee a reasonable amount of time under the circumstances, to remove its furniture, sign and other impediments ~~sa~~ from the right of way, and assume full possession and control of the permit area. The permittee shall remove all furniture, signs and impediments ~~sa~~ from the right-of-way within the time specified by the notice. If ~~the furniture is~~ not removed by the permittee, the City shall be authorized to remove all furniture, signs and other objects of permittee from the permit area. (Amended, Ordinance 2012-52, July 30, 2012)

(2) If such ~~furniture~~ is not reclaimed by the permittee within seven (7) days after removal by the City, the property shall be presumed abandoned and subject to disposal. (Amended, Ordinance 2012-52, July 30, 2012)

(3) If permittee does not agree with the Decision to suspend or terminate, it may appeal the Notice to the City Manager or designee in writing within 3 business days from the date Notice was sent setting forth all defenses to the suspension or revocation. A decision will be issued in writing by the City Manager or designee within 3 business days.

G. PUBLIC PROPERTY. The provisions of this section shall apply only to the locating of outdoor cafés and signs on public property or public right-of-way and shall not apply to any private property. (Amended, Ordinance 2012-52, July 30, 2012)

H. INDEMNIFICATION.

(1) As an express condition of the issuance of the permit, each applicant shall indemnify and hold harmless the City against all claims, injuries, demands, losses, liability, loss, injury, death or damage whatsoever, including reasonable attorney's fees and costs of suit, in connection with or arising out of the use of the permit ~~outdoor-café~~ by anyone, except where the claim is the result of the sole negligence of the City. (Amended, Ordinance 2012-52, July 30, 2012)

(2) As an express condition of the issuance of the permit, the permittee shall, within seven (7) days after the billing date, pay to the City all costs associated with damage to the pavement or other City-owned facilities located in or adjacent to the permit area caused by operation of the permit ~~food-service establishment~~, or the cleaning of or trash removal from the permit area or adjacent premises occasioned by the failure of the permittee to clean or remove such trash pursuant to an outdoor café permit. Failure to do so shall be a violation of this Chapter, and subject the permittee to a fine or fines, and/or revocation of the privileges granted herein. (Amended, Ordinance 2012-52, July 30, 2012)

I. INSURANCE. Every ~~outdoor-café~~ permittee shall obtain, and at all times thereafter during the license year keep in full force and effect, general liability and property damage insurance, with the City as an additional named insured and in amounts not less than \$1,000,000 per occurrence, \$2,000,000 combined, single limit; said applicant shall file with the City a Certificate of Insurance evidencing such fact, and said Certificate shall provide for not less than 30 days notice to all insured prior to cancellation. (Amended, Ordinance 2012-52, July 30, 2012)

J. ENFORCEMENT.

(1) The City may inspect the permit area at any time.

(2) Any violations of the provisions of this article shall be remedied within a reasonable time as stated in the notice or if not stated in the notice, within seven (7) calendar days from the date of delivery or post-mark on the notice.

(3) The permittee shall be subject to any and all penalty provisions and procedures set forth in the Code and Ordinances of the City of Decatur. (Amended, Ordinance 2012-52, July 30, 2012) (Amended, Ordinance No. 2009-39, May 18, 2009) (Amended, Ordinance No. 2007-63, July 16, 2007) (Amended, Ordinance No. 2006-83, September 5, 2006) (Amended, Ordinance No. 2000-63, July 17, 2000)

Economic & Community Development

DATE: 11/5/2018

MEMO: No. 18-22

TO: Honorable Mayor Julie Moore Wolfe and City Council

FROM: Billy Tyus, Interim City Manager
Raymond Lai, AICP, Economic and Community Development Director
Susan Kretsinger, Neighborhood Inspections Administrator
Dan Kline, Deputy Chief of Fire Prevention and Administration

SUBJECT:
City Code Chapters 44, 67, 67.2, 68, 69, and 70

SUMMARY RECOMMENDATION:

The Economic and Community Development Department and the Fire Department would like to recommend adoption of the following codes as updates to the current corresponding versions we are using:

For City Code Chapter 44- 2015 International Fire Code

For City Code Chapter 67- 2015 International Building Code

For City Code Chapter 67.2- 2015 International Residential Building Code

For City Code Chapter 68- 2015 International Mechanical and Fuel Gas Code

For City Code Chapter 69- 2014 National Electrical Code

For City Code Chapter 70- 2015 International Property Maintenance Code

BACKGROUND:

The Building Inspections Division, along with Neighborhood Inspections and the City Fire Inspectors use these International Codes as Model Codes for inspecting new construction and existing buildings to determine compliance to minimum standards of building safety, property maintenance, and fire prevention methods. The National Electrical Code is used for the same purpose but it is published by a different source. Most municipalities and communities in the United States and many other countries use these same codes as their standards for minimum compliance. The codes are updated every three years based on recommendations from inspectors, fire officials, building product manufacturers and others in the building industry. Each municipality decides when to update the code versions that they use. Below is a chart comparing some of the Central Illinois municipalities with the version of codes they currently enforce.

City	Commercial Building Code	Residential Building Code	Mechanical and Fuel Gas Code	Fire Code	Electrical Code	Property Maintenance
Decatur	09	09	09	09	11	06
Champaign	15	15	15	15	14	NA
Bloomington	12	12	12	12	14	12
Springfield	12	12	12	12	14	12
Peoria	12	12	12	12	14	12
Urban	09	09	09	09	08	09
Danville	12	12	12	12	14	12
Charleston	09	09	09	09	05	09
Macon County	12	12	12	12	11	NA
Forsyth	06	06	06	06	05	06

(Note: All Codes are from the International Code Council except the Electrical which is from the National Fire Protection Association)

Many of the municipalities will be adopting the 2015 or even the 2018 version of these codes this year. By updating ours we will be aligned with the other communities.

The language for actual adoption of these codes as well as any additions, deletions, or amendments that are specific to Decatur are shown in our City Code Chapters 44, 67, 67.2, 68, 69, and 70 (copies of which are attached). We have eliminated most changes that were done the last time we adopted new codes. This time we are for the most part adopting those codes “as is” without many alterations. This will be easier for building designers, contractors and property owners to navigate through when determining requirements for building in our jurisdiction.

One significant requirement that was added to the Residential Building Code beginning in 2009 was for new single-family homes to have sprinklers installed. As with all other communities in downstate Illinois, we elected to delete that requirement and will continue to do so until such time when it becomes more feasible for builders to include in an already tight housing market or if it is mandated by State Law.

The goal of these codes and their enforcement is to create and maintain a safe environment for our citizens in their homes, workplace, and other public buildings. Understanding the importance of encouraging new development and construction in our community, we strive to maintain a “friendly” environment for those who wish to live or do business here.

POTENTIAL OBJECTIONS: None we are aware of

INPUT FROM OTHER SOURCES:

Changes to City Code Chapters 67 and 67.2 were reviewed, discussed and approved by the Construction and Housing Board of Appeals. Changes to City Code Chapter 69 were reviewed and approved by the Electrical Commission and changes to City Code Chapter 68 were reviewed and approved by the Heating, Air Conditioning and Refrigeration commission.

STAFF REFERENCE: For Building, Electrical, Mechanical and Fuel Gas Code: Ray Lai, Director of Economic & Community Development rlai@decaturil.gov 217-424-2727
For Fire Code: Dan Kline, Deputy Chief of Fire Prevention and Administration dkline@decaturil.gov 217-424-2811 For Property Maintenance Code: Susan Kretsinger, Neighborhood Inspections Administrator skretsinger@decaturil.gov 217-424-2783

ATTACHMENTS:

Description	Type
Ordinance	Ordinance
Meeting minutes	Backup Material

ORDINANCE NO. _____

ORDINANCE AMENDING CITY CODE

~~-CHAPTER 44-~~

FIRE PREVENTION AND HAZARDOUS MATERIALS CONTROL

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That Chapter 44 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended by amended Section 1, so that Section 1 as so modified and amended, shall provide as follows:

ARTICLE I. FIRE PREVENTION AND CONTROL

1. CODE ADOPTED. The same having been duly placed and remained on file as required, and subject to the additions, modifications, changes and deletions set out herein, the 2015 International Fire Code and Appendices (a) through (g), expressly excluding Appendices (h) through (m), ("Code") is hereby adopted by reference.

Section 2. That Chapter 44 of the City Code of the City of Decatur, Illinois, be and the same is hereby modified and amended by amending Section 3-4, so that Section 3-4 as so modified and amended, shall provide as follows:

3. DELETIONS FROM CODE. The following appendices of said Code are deleted there from and the provisions thereof are not adopted:

Appendices H, I, J, K, L, M

4. AMENDMENTS TO CODE. The following numbered sections of said Code are hereby modified and amended as herein indicated:

That Appendices (a) through (g) shall be adopted as 2015 International Fire Code, expressly excluding Appendices (h) through (m) deleted in Section 3 above.

S609. Commercial Kitchen Hoods. All commercial kitchen exhaust hood extinguishing systems and associated portable fire extinguishers in place to protect commercial cooking

appliances shall be UL 300 compliant on or before January 1, 2009. For the purposes of this Code, commercial cooking appliances may be defined as those appliances used to prepare foods sold for money or to raise money, or as regular part or service in commercial enterprise. The determination of use for commercial purposes shall be determined by the authority having jurisdiction.

903.4.2 substitute "...exterior of the building" for "...interior and exterior of the building".

907.4 substitute "...initiation is required" for "...initiation is installed".

907.4.2 substitute "...fire alarm system is required" for "...fire alarm system is installed".

Section 8. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or Alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). The code enforcement official may require additional numbers as needed. (Reference: 2015 International Fire Code Section 505.1 Premises Identification).

Section 912.2.1 of the 2015 International Fire Code shall be amended, so that as so amended, the Fire Department Connection Visible Location, will provide as follows: The location of any Fire Department connection shall be indicated with a strobe located approximately ten feet above grade and within ten feet of the vertical axis of the Fire Department Connection.

Section 3. That Chapter 44 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended by amending Section 20-22, so that Section 20-22 as so modified and amended, shall provide as follows:

ARTICLE II. BASIC FIRE CONTROL MEASURES AND REGULATIONS

20. EMERGENCY LIGHTS: Emergency lights shall be required for all new construction of public buildings as well as permit required renovations in all common use restrooms, dressing rooms, and locker rooms. (1008.3.3 item 5 shall include all public restrooms regardless of size).

21. FIRE DEPARTMENT KEY BOXES

(A) Unless exempted by written order of the Decatur Fire Department, and in order to eliminate forced entries into structures and to avoid costly and time-consuming efforts in gaining access to locked structures during times of emergency, the following structures shall be equipped with a key lock box system at or near the main entrance or at any other such location which may be required by the Fire Chief or any other representative of the Fire Department:

- (1) All newly constructed commercial and industrial structures and places of assembly protected by an automatic fire alarm system or automatic suppression system or any such structure secured in a manner that restricts access during an emergency;
- (2) All newly constructed multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living quarters;
- (3) All newly constructed health care facilities; and
- (4) All existing structures undertaking additions, alterations or repairs which shall cause the same to conform with the then current provisions of any of the building or property maintenance codes adopted by the City.

(B) All structures subject hereto shall be required to install a key lock box system prior to the issuance of any occupancy permit which shall then be functional at all times thereafter.

(C) The Fire Chief shall designate the type of key lock box system to be implemented and shall have the authority to require all structures to use the designated system.

(D) The owner or operator of any structure subject hereto shall, at all times, keep a key in the lock box that will permit access to the structure.

(E) The owner or operator of any structure subject hereto shall notify the Fire Department of any changes to the key lock box system.

(F) The Fire Chief shall be authorized to implement rules and regulations governing the use of any key lock box system. (IFC 2015 Section 506)

22. RULES AND REGULATIONS. The fire official may promulgate, publish and enforce reasonable rules and regulations to provide for procedures and practices and to otherwise implement the provisions, and to carry out the intent and purposes hereof.

Section 4. That this Ordinance amendment shall become effective on January 1, 2019.

Section 5. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this _____ day of November 2018.

JULIE MOORE WOLFE, MAYOR

ATTEST:

CITY CLERK

PUBLISHED this _____ day of _____, 2018.

CITY CLERK

ADDITIONS & DELETIONS

CHAPTER 44

FIRE PREVENTION AND HAZARDOUS MATERIALS CONTROL

ARTICLE I. FIRE PREVENTION AND CONTROL

1. **CODE ADOPTED.** The same having been duly placed and remained on file as required, and subject to the additions, modifications, changes and deletions set out herein, the 2009 2015 International Fire Code and Appendices ~~(b) through (g) and (i), (a) through (g),~~ expressly excluding Appendices (a), (h), and (j) (h) through (m), ("Code") is hereby adopted by reference.

3. **DELETIONS FROM CODE.** The following ~~numbered articles or sections~~ appendices of said Code are deleted there from and the provisions thereof are not adopted:

Appendices H, I, J, K, L, M

Section Nos. (inclusive)

S104.2	S108.1	S108.3
S109.3.1	S307.1	S307.1.1
S307.2	S307.2.1	S307.4
S501.2	S601.2	S901.3
S1006.3 (item 1*)	S1006.3 (items 2-5, inc.**)	S1008.1.9.3 (item 2***)
S1008.1.9.10 (item 3****)	S1011.1 (exception 1)	
S1014.2.1 (exception)	S1101.3	S1201.2
S1301.2	S1404.3	S1501.3
S1601.2	S1701.2	S1801.5
S1901.2	S2001.2	S2101.2
S2301.2	S2403.4	S2501.2
S2601.2	S2801.2	S2901.3
S3001.2	S3101.2	S3201.2
S3301.2	S3401.4	S3501.2
S3601.2	S3701.2	S3801.2
S3901.2	S4001.2	S4101.2
S4201.2	S4301.2	S4401.2
906.1 (exception****)		
Appendix A		

~~Section S-105 all inclusive (except 105.5, 105.6.16, 105.7.1, 105.7.3, 105.7.4, 105.7.9, 105.7.11 and 105.7.12.~~

~~*S1006.3, item, 1: by deleting the phrase "...in rooms and spaces that require two or more means of egress."~~

~~**S1006.3, items 2-5, inc.: by deleting the last phrase "...in buildings required to have two or more exits."~~

~~***S1008.1.9.3: item 2, including 2.1, 2.2, and 2.3.~~

~~****S1008.1.9.10: Exception 3 is modified to delete the wording allowing the unlocking of the stairway doors by a signal from emergency personnel.~~

~~*****906.1: Exception~~

4. AMENDMENTS TO CODE. The following numbered sections of said Code are hereby modified and amended as herein indicated:

That Appendices ~~(b)~~ (a) through (g) shall be adopted as ~~2009~~ 2015 International Fire Code, expressly excluding ~~Appendix (a)~~ Appendices (h) through (m) deleted in Section 3 above.

S609. Commercial Kitchen Hoods. All commercial kitchen exhaust hood extinguishing systems and associated portable fire extinguishers in place to protect commercial cooking appliances shall be UL 300 compliant on or before January 1, 2009. For the purposes of this Code, commercial cooking appliances may be defined as those appliances used to prepare foods sold for money or to raise money, or as regular part or service in commercial enterprise. The determination of use for commercial purposes shall be determined by the authority having jurisdiction.

~~S507.5.1 substitute "...300 feet" for "...400 feet".~~

~~S507.5.1 exceptions 1 and 2 substitute "...500 feet" for "...600 feet".~~

903.4.2 substitute "...exterior of the building" for "...interior and exterior of the building".

907.5 (907.4) substitute "...initiation is required" for "...initiation is installed".

907.5.2 (907.4.2) substitute "...fire alarm system is required" for "...fire alarm system is installed".

~~Appendix B: B105.2 exception substitute "...50 percent" for "...75 percent".~~

~~Chapter 7 Carbon Monoxide detectors shall be installed in accordance with Illinois Public Act #094-0741.~~

~~Table 508.2.5 Incidental Use Areas: "Storage rooms greater than 100 sq. ft. shall be separated from other spaces by one hour fire barriers or have automatic fire suppression system".~~

Section 8. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or Alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). The code enforcement official may require additional numbers as needed. (Reference: 2009 2015 International Fire Code Section 505.1 Premises Identification).

Section 912.2.1 of the 2009 2015 International Fire Code shall be amended, so that as so amended, the Fire Department Connection Visible Location, will provide as follows: The location of any Fire Department connection shall be indicated with a strobe located approximately ten feet above grade and within ten feet of the vertical axis of the Fire Department Connection.

ARTICLE II. BASIC FIRE CONTROL MEASURES AND REGULATIONS

20. EMERGENCY LIGHTS: Emergency lights shall be required for all new construction of public buildings as well as permit required renovations in all common use restrooms,

dressings rooms, and locker rooms. (1008.3.3 item 5 shall include all public restrooms regardless of size).

21. FIRE DEPARTMENT KEY BOXES

(A) Unless exempted by written order of the Decatur Fire Department, and in order to eliminate forced entries into structures and to avoid costly and time-consuming efforts in gaining access to locked structures during times of emergency, the following structures shall be equipped with a key lock box system at or near the main entrance or at any other such location which may be required by the Fire Chief or any other representative of the Fire Department:

(1) All newly constructed commercial and industrial structures and places of assembly protected by an automatic fire alarm system or automatic suppression system or any such structure secured in a manner that restricts access during an emergency;

(2) All newly constructed multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living quarters;

(3) All newly constructed health care facilities; and

(4) All existing structures undertaking additions, alterations or repairs which shall cause the same to conform with the then current provisions of any of the building or property maintenance codes adopted by the City.

(B) All structures subject hereto shall be required to install a key lock box system prior to the issuance of any occupancy permit which shall then be functional at all times thereafter.

(C) The Fire Chief shall designate the type of key lock box system to be implemented and shall have the authority to require all structures to use the designated system.

(D) The owner or operator of any structure subject hereto shall, at all times, keep a key in the lock box that will permit access to the structure.

(E) The owner or operator of any structure subject hereto shall notify the Fire Department of any changes to the key lock box system.

(F) The Fire Chief shall be authorized to implement rules and regulations governing the use of any key lock box system. (IFC 2015 Section 506)

21.22. RULES AND REGULATIONS. The fire official may promulgate, publish and enforce reasonable rules and regulations to provide for procedures and practices and to otherwise implement the provisions, and to carry out the intent and purposes hereof.

CHAPTER 44

FIRE PREVENTION AND HAZARDOUS MATERIALS CONTROL

ARTICLE I. FIRE PREVENTION AND CONTROL

1. **CODE ADOPTED.** The same having been duly placed and remained on file as required, and subject to the additions, modifications, changes and deletions set out herein, the 2015 International Fire Code and Appendices expressly excluding Appendices (h) through (m), ("Code") is hereby adopted by reference.

2. **WORDS AND PHRASES.** The Code adopted hereby may be cited and known as the Fire Prevention Code and is so referred to herein. Whenever in said Code the words, "name of jurisdiction" appear in brackets, said Code is modified by removal of said brackets and substitution of the words "the City of Decatur, Illinois" in lieu of the words contained therein, and said Code shall be taken and construed as if such were expressly so set out therein. Whenever in said Code reference is made to the board of appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City. Whenever in this Chapter reference is made to "flammable" or "combustible", said words shall be defined as in the rules and regulations duly promulgated by the Office of the State Fire Marshal.

3. **DELETIONS FROM CODE.** The following appendices of said Code are deleted there from and the provisions thereof are not adopted:

Appendices H, I, J, K, L, M

4. **AMENDMENTS TO CODE.** The following numbered sections of said Code are hereby modified and amended as herein indicated:

That Appendices (a) through (g) shall be adopted as 2015 International Fire Code, expressly excluding Appendices (h) through (m) deleted in Section 3 above.

Section 609. Commercial Kitchen Hoods. All commercial kitchen exhaust hood extinguishing systems and associated portable fire extinguishers in place to protect commercial cooking appliances shall be UL 300 compliant on or before January 1, 2009. For the purposes of this Code, commercial cooking appliances may be defined as those appliances used to prepare foods sold for money or to raise money, or as regular part or service in commercial enterprise. The determination of use for commercial purposes shall be determined by the authority having jurisdiction.

903.4.2 substitute "...exterior of the building" for "...interior and exterior of the building".

907.4 substitute "...initiation is required" for "...initiation is installed".

907.4.2 substitute "...fire alarm system is required" for "...fire alarm system is installed".

Section 8. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or Alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). The code enforcement official may require additional numbers as needed. (Reference: 2015 International Fire Code Section 505.1 Premises Identification).

Section 912.2.1 of the 2015 International Fire Code shall be amended, so that as so amended, the Fire Department Connection Visible Location, will provide as follows: The location of any Fire Department connection shall be indicated with a strobe located approximately ten feet above grade and within ten feet of the vertical axis of the Fire Department Connection.

ARTICLE II. BASIC FIRE CONTROL MEASURES AND REGULATIONS

20. EMERGENCY LIGHTS: Emergency lights shall be required for all new construction of public buildings as well as permit required renovations in all common use restrooms, dressing rooms, and locker rooms. (1008.3.3 item 5 shall include all public restrooms regardless of size).

21. FIRE DEPARTMENT KEY BOXES

(A) Unless exempted by written order of the Decatur Fire Department, and in order to eliminate forced entries into structures and to avoid costly and time-consuming efforts in gaining access to locked structures during times of emergency, the following structures shall be equipped with a key lock box system at or near the main entrance or at any other such location which may be required by the Fire Chief or any other representative of the Fire Department:

- (1) All newly constructed commercial and industrial structures and places of assembly protected by an automatic fire alarm system or automatic suppression system or any such structure secured in a manner that restricts access during an emergency;
- (2) All newly constructed multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living quarters;
- (3) All newly constructed health care facilities; and
- (4) All existing structures undertaking additions, alterations or repairs which shall cause the same to conform with the then current provisions of any of the building or property maintenance codes adopted by the City.

(B) All structures subject hereto shall be required to install a key lock box system prior to the issuance of any occupancy permit which shall then be functional at all times thereafter.

(C) The Fire Chief shall designate the type of key lock box system to be implemented and shall have the authority to require all structures to use the designated system.

(D) The owner or operator of any structure subject hereto shall, at all times, keep a key in the lock box that will permit access to the structure.

(E) The owner or operator of any structure subject hereto shall notify the Fire Department of any changes to the key lock box system.

(F) The Fire Chief shall be authorized to implement rules and regulations governing the use of any key lock box system. (IFC 2015 Section 506)

22. RULES AND REGULATIONS. The fire official may promulgate, publish and enforce reasonable rules and regulations to provide for procedures and practices and to otherwise implement the provisions, and to carry out the intent and purposes hereof.

MINUTES OF THE MEETING
OF THE
CONSTRUCTION AND HOUSING BOARD OF APPEALS
Wednesday, May 2, 2018
Department of Economic and Community Development

The Construction and Housing Board of Appeals met at 3 P.M. on Wednesday May 2, 2018 in the Economic and Community Development conference room.

Members Present: Danny White, Tony Clark, Joe Cycotte, Steve Olson, John Munson, and Mike McGeehon. Also present was Larry Olson, who is recommended to City Council as a new member of the Board.

Staff Present: Randy Johner, Jason Kretsinger

Introductions: All present introduced themselves

An overview of City Code Chapter 27 was given by Randy Johner. This code establishes the Construction and Housing Board of Appeals Commission and explains how appeals are heard and variances are given if agreed upon by a majority of members.

An overview of changes from the 2009 International Building Code (for commercial buildings) to the 2015 version of this Code was given by Randy Johner. He also reviewed changes to City Code Chapter 67 which adopts the Building Code and details any changes specific to Decatur.

Jason Kretsinger gave an overview of changes from the proposed International Residential Building Code to the 2015 version of this Code. He also reviewed changes to City Code Chapter 67.2 which adopts the Residential Building Code and details changes specific to Decatur.

It was explained by Randy Johner that both of these Codes were going to be adopted “as is” with few changes specific to Decatur which meant that it should be easier for a contractor, developer, or architect to design or build in Decatur as they would not need to alter their plans to be compliant with our specific changes.

It was also explained that the Code Books had been presented to Council for reviewing and filing and that the next step would be for the Council to vote on approving the adoption of these Codes.

After some discussion about the proposed changes it was moved and seconded(Munson/Olson) to recommend approval the adoption of City Codes 67 and 67.2 as presented by staff. Motion carried unanimously. The recommendation will be forwarded to the City Council for consideration in conjunction other proposed building code updates.

There being no further business, the meeting adjourned at 4 P.M.

MINUTES OF THE MEETING
OF THE
HEATING, AIR CONDITIONING AND REFRIGERATION COMMISSION
Thursday, June 14th, 2018
Department of Economic and Community Development

The Heating, Air Conditioning and Refrigeration Commission met at 3 P.M. on Thursday June 14th, 2018 in the Economic and Community Development conference room.

Members Present: Scott Lamb, Patrick Corrigan, Mike Braye, and Dean Severe.

Staff Present: Ray Lai, Randy Johner, and Eric Watkins

Introductions: All present introduced by Randy Johner

In the meeting, the Heating, Air Conditioning and Refrigeration Commission discussed the significant changes to from the 2009 to 2015 International Mechanical Code and the International Fuel Gas Code.

Also, the Heating, Air Conditioning and Refrigeration Commission discussed the following items for references:

- A. IMC 2012, 307.2.5 Drain Line Maintenance
- B. IMC 2012, 306.5 Equipment on roofs and elevated structures
- C. IMC 2012, 403.3 regarding Nail salon ventilation
- D. IMC 2012, 506.3.7.1 Grease Reservoirs
- E. IMC 2012, 507.2.1.1 Operation of Type 1 Hood
- F. IMC 2012, 507.2.1.2

After some discussions, it was motioned by Mike Braye and seconded (Dean Severe) to recommend adoption of the 2015 version of the International Mechanical Code and the 2015 version of the International Fuel Gas Code. The motion was carried uniamously. The recommendation will be forwarded to the City Council for consideration in conjunction with other proposed building code updates

There being no further business, the meeting adjourned at 4 P.M.

MINUTES OF THE MEETING
OF THE
ELECTRICAL COMMISSION
Tuesday, June 5, 2018
Department of Economic and Community Development

The Electrical Commission met at 3 P.M. on Tuesday June 5, 2018 in the Economic and Community Development conference room.

Members Present: Scott Minnis, Mark Laughery, Josh Sapp, Owen Majeres, and Phil Bledsoe. Mike McGeehon was unable to attend.

Staff Present: Randy Johner, Greg Bickers, and Ray Lai

Introductions: All present introduced by Randy Johner

In the meeting, the Electrical Commission discussed the significant changes from 2011 to the 2014 National Electrical Code.

Also, the Electrical Commission discussed two items:

- A. Discussion about retaining table 310.15 (B) (7) from 2011 code: Conductors for Residential Electrical Services.
- B. Discussion allowing Article 310.15(7) pertaining to residential services if in writing by licensed electrician with valid City of Decatur License, or Electrical Engineer.

After some discussions, it was motioned by Josh Sapp to adopt the 2014 version of the National Electrical Code, with the exception of allowing Article 310.15 (7) with properly submitted calculations. It was moved and seconded (Mark Laughrey). Motion carried by unanimous vote. The recommendation will be forwarded to the City Council for consideration in conjunction with other proposed building code updates.

There being no further business, the meeting adjourned at 4 P.M.

ORDINANCE NO. _____

**ORDINANCE AMENDING CITY CODE
CHAPTER 67
BUILDING CODE**

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:

Section 1. That Chapter 67 of the City Code of the City of Decatur, Illinois, be, and the same is hereby, modified and amended by amending Section 2, so that Section 2 as so modified and amended, shall provide as set forth in Exhibit A attached hereto.

Section 2. That Chapter 67 of the City Code of the City of Decatur, Illinois, be, and the same is hereby, modified and amended by amending Section 5, so that Section 5 as so modified and amended, shall provide as set forth in Exhibit B attached hereto.

Section 3. That Chapter 67 of the City Code of the City of Decatur, Illinois, be, and the same is hereby, modified and amended by amending Section 6, so that Section 6 as so modified and amended, shall provide as set forth in Exhibit C attached hereto.

Section 4. That Chapter 67 of the City Code of the City of Decatur, Illinois, be, and the same is hereby, modified and amended by amending Section 7, so that Section 7 as so modified and amended, shall provide as set forth in Exhibit D attached hereto.

Section 5. That this Ordinance amendment shall become effective on January 1, 2019.

Section 6. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this 5th day of November,
2018.

JULIE MOORE WOLFE, MAYOR

CITY CLERK

PUBLISHED this _____ day of _____, 2018

CITY CLERK

2. **BUILDING CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, 2015 International Building Code the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference and the same to be known, and which may be cited, as the "The Building Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

EXHIBIT A

ADDITIONS & DELETIONS
CHAPTER 67
SECTION 2.
BUILDING CODE

2. **BUILDING CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, 2009¹⁵ International Building Code the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference and the same to be known, and which may be cited, as the "The Building Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

(Amended, Ordinance No. 2011-59, October 3, 2011)
(Amended, Ordinance No. 2007-19, April 2, 2007)
(Amended, Ordinance No. 2004-23, March 15, 2004)
(Amended, Ordinance No. 2001-57, July 30, 2001)

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the Board of Appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City.

EXHIBIT B

ADDITIONS & DELETIONS
CHAPTER 67
SECTION 5.
BUILDING CODE

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the Board of Appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City. ~~(to which appeals of orders, decisions or determinations of the Supervisor may be taken).~~

6. **DELETIONS.** The following numbered Articles or sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

Section No. (inclusive)

103

105.2 (item #2)

110.3.2

113

EXHIBIT C

ADDITIONS & DELETIONS
CHAPTER 67
SECTION 6.
BUILDING CODE

6. **DELETIONS.** The following numbered Articles or sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

Section No. (inclusive)

103
105.2 (item #2)
110.3.2
~~110.3.5~~
~~110.3.7~~
113
~~501.2~~
~~907.1.2 (items 6 through 9 inc.)~~
~~1807.1.4~~
~~2308.3.3.1~~

~~1006.3, item 1, by deleting the last phrase "in rooms and spaces that require two or more means of egress";~~

~~1006.3, items 2 through 5 inc., by deleting the last phrase "in buildings required to have two or more exits";~~

~~1007, in reference to the Illinois Accessibility Code;~~

~~1008.1.9.3, item 2;~~

~~1008.1.9.10, item 3, delete the last phrase "or a signal by emergency personnel from a single location inside the main entrance to the building";~~

~~1011.1, exception 1;~~

~~1014.2.1, exception;~~

~~Chapter 11, in reference to the Illinois Accessibility Code;~~

~~1008.1.9.4, delete occupancy B from exceptions 3 and 4~~

(Amended, Ordinance No. 2011-59, October 3, 2011)

(Amended, Ordinance No. 2009-39, May 18, 2009)

(Amended, Ordinance No. 2007-19, April 2, 2007)

(Amended, Ordinance No. 2004-23, March 15, 2004)

(Amended, Ordinance No. 2001-57, July 30, 2001)

7. **AMENDMENTS.** The following numbered sections in said Code are hereby modified and amended as herein indicated:

(a) All Appendices shall likewise be deleted with the exception of Appendix G, "Flood Resistant Construction";

(b) Where terminology in the body of the Code reads "by the fire code official" change to read "by the code official".

EXHIBIT D

ADDITIONS & DELETIONS
CHAPTER 67
SECTION 7.
BUILDING CODE

7. **AMENDMENTS.** The following numbered sections in said Code are hereby modified and amended as herein indicated:

~~(a) 104.4 by adding "or his or her authorized representative" after the words "building official" in the first sentence;~~

~~(b) 105.2.6 by stating "all driveways and sidewalks above grade and not over any basement or story below" are exempt from a permit and deleting the words "and which are not part of an accessible route";~~

~~(c) 105.2.13 by stating "all movable cases, counters and partitions" are exempt from a permit;~~

~~(d) 107.1 by adding "and as prescribed in the city *Development Guide*" after the words "construction documents" in the first sentence;~~

~~(e) 107.2 by amending reference to the requirements of the Zoning Ordinance and city engineering standards;~~

~~(f) 202 by adding "including off street parking lots" to definition of structure;~~

~~(g) 1010.9 by adding under (1) "to curb ramp provisions per the Illinois Accessibility Code and city engineering standards;~~

~~(h) 1013.3 by adding this sentence "Dividers in guards and handrails shall not create a ladder effect";~~

~~(i) 1809.5.1 by amending to read "Footings shall extend to a minimum depth of 36 inches below final grade";~~

~~(j) 1913.4.3 by substituting the words "building official" for the words "design professional";~~

~~(k)(a) All Appendices shall likewise be deleted with the exception of Appendix G, "Flood Resistant Construction"; I, Patio Covers, which is hereby expressly included; and,~~

~~l)(b) Where terminology in the body of the Code reads "by the fire code official" change to read "by the code official".~~

~~(m) 1006.3, item 1, by adding "including common use restrooms, dressing rooms and locker rooms";~~

~~———— (n) 1006.3, item 2, by adding "and vestibules";~~

~~(o) Carbon monoxide detectors shall be installed in accordance with Illinois Public Act #094-0741;~~

~~———— (p) Table 508.2.5, storage rooms greater than 100 sq. ft shall be separated from other spaces by one-hour fire barriers or have automatic fire suppression systems; and,~~

~~———— (q) 903.4.2, change "alarm devices shall be provided on the exterior of the building in an approved location" to "alarm devices shall be provided on the interior and exterior of the building in approved locations."~~

(Amended, Ordinance No. 2011-59, October 3, 2011)

(Amended, Ordinance No. 2007-19, April 2, 2007)

(Amended, Ordinance No. 2004-23, March 15, 2004)

(Amended, Ordinance No. 2003-28, May 27, 2003)

ORDINANCE NO. _____

**ORDINANCE AMENDING CITY CODE
CHAPTER 67.2
RESIDENTIAL BUILDING CODE**

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:

Section 1. That Chapter 67.2 of the City Code of the City of Decatur, Illinois, be, and the same is hereby, modified and amended, so that Chapter 67.2 as so modified and amended, shall provide as set forth in Exhibit A attached hereto.

Section 2. That this Ordinance amendment shall become effective on January 1, 2019.

Section 3. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this 5th day of November, 2018.

JULIE MOORE WOLFE, MAYOR

CITY CLERK

PUBLISHED this _____ day of _____, 2018

CITY CLERK

CHAPTER 67.2

RESIDENTIAL BUILDING CODE

1. **APPLICABILITY.** This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said code except as modified by the provisions of this Chapter.

2. **RESIDENTIAL BUILDING CODE.** The same having been duly placed and remained on file as required by law and subject to the additions, modifications, changes or deletions set out in this Chapter, The International Residential Code/2015 of the International Code Council, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference and the same to be known, and which may be cited as, “The Residential Building Code” of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

3. **SUBSTITUTIONS.** Whenever in said Code the words, “name of the jurisdiction” or “jurisdiction” appears in brackets, said Code is modified by removal of said brackets and substitution of the words “the City of Decatur, Illinois”, in lieu of the words contained therein, and said Code shall be taken and construed as if such were expressly so set out therein.

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the “code official”, such shall be taken to mean and shall be construed to refer to the Building Inspections Manager or his designee as fully as if said designation was set out therein in lieu of such words; whenever reference is therein made to the Department of Building Inspections or similar reference, such shall be taken to mean and shall be construed to refer to the Building Inspections Division of the Economic and Community Development Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2009-39, May 18, 2009)

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the Board of Appeals, such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City.

6. **REFERENCES.** All references in the International Residential Code to other codes shall be deleted and shall instead refer to the current city adopted property maintenance, electrical, mechanical, and plumbing codes. All references in said code to “wood foundations” shall not apply.

7. **DELETIONS.** The following numbered Chapters, Articles or Sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

Section Number (inclusive)

R103
R109.1.1

R309.5R313
R314 (in lieu of 425 ILCS 60 Smoke Detector Act)

R315 (in lieu of 430 ILCS 135 Carbon Monoxide Alarm Detector Act)

8. **AMENDMENTS:**

(a) R105.2 - subsection 2. delete as an exemption; subsection 3. Insert the words, “All retaining walls are exempt” in lieu of “walls over four feet in height”. ; subsection 10, delete as exemption

(b) R105.5 - Include the words “or verbally” after the words in the second sentence, “The building official is authorized to grant, in writing.” Add to paragraph “Additional fees may be assessed not to exceed \$50.00.

(c) Table R301.2(1) - Add the following values to the table: Roof Snow Load, 20 PSF; Wind, Speed 115 MPH, Seismic Design Category, B; Weathering, Severe; Frost Line Depth, 36

inches; Termite, moderate to heavy; Decay, slight to moderate. Ice Barrier underlayment required, yes; Flood Hazards, 8/1/79; Air Freezing Index, 1152; Mean Annual Temp. 52.

(d) R302.1 - Change first paragraph to: "Exterior walls with a fire separation distance less than three (3) feet shall have not less than a one (1) hour fire resistive rating with exposure from both sides."

(e) R317.1 (2) Delete the last part that reads "and are less than 8 inches from the exposed ground."

APPENDIX ADOPTIONS

(f) Appendix J, "Existing Building and Structures" - adopt in entirety

9. **APPLICATION FOR PERMIT.** Application for a permit required by said Code or this Chapter shall be made by the owner or the person or the person or entity in or entitled to possession of the premises where the proposed work is to be done, or by the agent of either, or by the engineer, architect or contractor connected with such work.

10. **FEE.** The amount of the fee required to accompany the application for a permit and to be paid to the City Treasurer shall be determined by the building official as follows:

(a) For permits to demolish structures the amount shall be as follows:

1-4 Unit Residential Structures	\$50
Buildings which are accessory to residential structures (garages, sheds, etc.)	\$25
Other	\$50 or per work value as listed in item (a) above, whichever is greater.

(b) For permits to erect new one or two-family residential structures, room additions to such structures, accessory buildings to such structures, or additions to accessory structures, the amount shall be as follows:

Square footage of finished living space x \$.25 plus square footage of unfinished space (includes basements, garages, decks, porches and other accessory) x \$.15.

(c) For permits to alter or repair one and two family residential structures or residential accessory buildings, the amount shall be as follows:

Building/structural alteration or repair	\$50
Electrical:	
Add up to 2 circuits, or install additional new outlets, or repair damaged wiring	\$25 per unit
Change or upgrade electrical service or add more than 2 new circuits, or install new wiring for more than 2 Circuits	\$35 per unit
Mechanical:	
Furnace or air conditioning unit or equipment replacement, or installation	\$25 per unit
Electrical wiring for new/add on furnace or air Conditioning	\$25 per unit
Plumbing	\$6 per fixture with a minimum of \$25 per unit

(d) For permits to alter or repair other than one and two family residential structures or residential accessory buildings, the amount shall be per work value as listed in item (a) above.

(e) For permits to erect or construct new buildings or additions to buildings other than one or two family residential or residential accessory buildings, the amount shall be per work value as listed in item (a) above.

(f) For permits to erect or install swimming pools, the amount shall be as follows:

Inground pool including electrical and plumbing required but not including any deck associated with pool	\$70
Above ground pool but not including associated decks	\$25
Above ground pool with electrical but not including but not including associated decks.	\$50

(g) For permits to erect boathouses, shore walls, or permanent docks \$30

(h) Fences (all types) \$10

(i) An additional fee of \$50 will be assessed for permits to erect or construct new buildings or for additions or alterations to buildings whereby the work has not been completed and/or has not received “satisfactory” final inspections by the expiration date of the permit. This fee may be waived by the Building Inspections Manager if he determines that the reasons for delay are justified.

11. **WORK DONE WITHOUT PERMIT.** Should any work for which a permit is required be commenced or be done before such permit is issued and obtained, the required permit may nonetheless be issued for such and subsequent work; however, the amount of the required fee as provided herein for all work, both that commenced before and that proposed to be done after said permit is issued, shall be double that otherwise so provided, and issuance of such permit shall not, and shall not be, and shall not be construed to be, an excuse from, or waiver of, or defense to or absolution from any penalty, liability or action otherwise provided for in said Code or this Chapter but shall be cumulative of and in addition thereto.

12. **RISK OF INJURY.** Whenever application for a permit indicates that a part of a public way or other property of the City will be used for storage of material, or be closed, or otherwise used appurtenant to the work to be done under such permit, or application is made for a permit to move a building or structure, or application is made for a permit to demolish a building or structure other than one not exceeding 20 feet high above grade and with a minimum separation from the nearest other existing structure of five feet and the nearest property line of a public way of not less than ten feet, if by reason of the size, condition, or location thereof it appears to the building official there will exist the possibility or risk of injury to persons or property, such official

may withhold such permit unless there is on file with the Finance Department an enforceable contract of insurance, with the person or the entity that is to perform the work and the City as named insured, affording coverage for each occurrence of personal injury of not less than \$500,000 and for property damage of not less than \$100,000 and expressly provided that the same remain in effect for the term thereof absent written notice of cancellation received by said Clerk, in which event said permit shall automatically terminate to the same extent as if the same had been physically withdrawn and canceled.

13. **PENALTY.** Any person or entity that erects, constructs, alters, repairs, removes or demolishes a building or structure without a permit required by said Code or this Chapter, or in departure from or not in compliance with an approved plan, or that uses or occupies a building or structure, or part thereof, contrary to the provisions of this Code or without a required permits, whether or not notice is received that such is a violation, or that continues work after a stop-work order has been issued, served or posted, or that removes such a posted order, or that procures or causes another to do, or to omit, as the case may be, any of the foregoing, or that having been given notice thereof otherwise violates or fails to comply with the provisions of said Code or this Chapter shall be fined no less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day upon which a violation occurs or is allowed to continue, or a condition is not brought into compliance after notice, shall be viewed and may be prosecuted as a separate and distinct offense. (Amended, Ordinance No. 2011-75)

14. **OTHER REMEDIES.** The penalties provided herein are and shall be cumulative of and in addition to any other remedy, or remedies, provided for in said Code of this Chapter.

15. **RE-INSPECTION FEES.** A re-inspection fee of \$30.00 shall be assessed the applicant for a construction permit, or in the case of a combined permit, against the licensed

subcontractor, who has requested an inspection which cannot be completed and/or approved by the Inspection Division for any of the following reasons:

- 1) The work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made;
- 2) The inspection reveals that there are violations which should have been found and corrected by workers while simply checking their work before calling for an inspection.
- 3) The work for which the inspection has been requested has been covered up or hidden from view so that an inspection cannot be made;
- 4) The Inspector is unable to gain entry at the time requested by the contractor, or
- 5) When previously noted violations have not been corrected.

Fees assessed as herein provided may be appeals to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such assessment. An appeal shall stay the due date for payment until the date of the final order of the Board.

Such fees shall be assessed by mailing notice of same to the owner or other person by certified mail, return receipt requested. Payment thereof shall be due fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the owner or other person to appeal the same to the Board and the time limitation thereon.

In any judicial proceeding brought by the City to collect fees which have not been paid as required by the provisions hereof, failure to receive notice of the assessment of such fee may be a defense thereto, but only if such notice was not sent to the proper mailing address of the defendant or was received thereat by someone other than a person upon whom substituted service may be made pursuant to the Illinois Code of Civil Procedure.

Any fee or fees assessed as herein provided, and any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under Section of this Chapter.

No Certificate of Occupancy shall be issued for any building for which re-inspection fees are unpaid.

16. **WITHHOLDING OF PERMITS.** Building permits may be withheld from permit applicants, or in the case of combined permits from the license subcontractor, who is in violation of Chapters 67, 67.2, 68, 69, or 70.1 of the City Code at a location other than that for which a permit is being sought.

Such violation may include, but shall not be limited to the following:

- (a) Failure to arrange for inspections required under Chapters 67, 67.2, 68, 69, and/or 70.1 of the City Code within a reasonable time frame.
- (b) Failure to take reasonable requested action to uncover work which requires inspection but has been hidden from view of the inspector.
- (c) Failure to pay required permit or re-inspection fees.
- (d) Failure to obtain a building permit for work which required a building permit.
- (e) Failure to take reasonable action to notify and obtain approval from division of changes made to approved building permits.
- (f) Falsifying information on building permit applications.
- (g) Performance of building permit work under an invalid or voided building permit.
- (h) Failure to obtain a required Certificate of Occupancy before occupying or allowing occupancy of new construction or change in use.

Permit applicants from which permits are to be withheld must be notified by mailing notice of same to the permit applicant or license subcontractor by certified mail, return receipt requested. Said notice shall inform the permit applicant or license subcontractor of the violations which, if

corrected, will allow the City to issue to the permit applicant or licensed subcontractor, additional permits. Corrections shall be made within fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the permit applicant or licensed subcontractor to appeal the same to the Construction and Housing Board of Appeals and the time limitation thereon.

The withholding of permits as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such withholding. An appeal shall stay the due date for corrections required until the date of the final order of the Board.

17. **SEVERABILITY.** The provisions hereof are, and shall be construed to be severable, and invalidity of any section or provision of this Chapter or the codes and standards hereby adopted shall not invalidate other sections or provisions hereof.

18. **REPEALED.** That existing provisions of ordinances not in conformity with the provisions of this Chapter are, to the extent of such nonconformity, amended, modified or repealed so as to conform with the provisions hereof.

EXHIBIT A

ADDITIONS & DELETIONS
CHAPTER 67.2
RESIDENTIAL BUILDING CODE

1. **APPLICABILITY.** This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said code except as modified by the provisions of this Chapter.

2. **RESIDENTIAL BUILDING CODE.** The same having been duly placed and remained on file as required by law and subject to the additions, modifications, changes or deletions set out in this Chapter, The International Residential Code/~~2006~~2015 of the International Code Council, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference and the same to be known, and which may be cited as, “The Residential Building Code” of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

3. **SUBSTITUTIONS.** Whenever in said Code the words, “name of the jurisdiction” or “jurisdiction” appears in brackets, said Code is modified by removal of said brackets and substitution of the words “the City of Decatur, Illinois”, in lieu of the words contained therein, and said Code shall be taken and construed as if such were expressly so set out therein.

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the “code official”, such shall be taken to mean and shall be construed to refer to the Building Inspections Manager or his designee as fully as if said designation was set out therein in lieu of such words; whenever reference is therein made to the Department of Building Inspections or similar reference, such shall be taken to mean and shall be construed to refer to the Building

Revised 02/2017

Inspections Division of the Economic and Community Development Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2017-07, February 6, 2017)
(Amended, Ordinance No. 2010-03, February 1, 2010)
(Amended, Ordinance No. 2009-39, May 18, 2009)

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the Board of Appeals, such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City ~~(to which appeals of orders, decisions or determinations of the Supervisor may be taken).~~

6. **REFERENCES.** All references in the International Residential Code to other codes shall be deleted and shall instead refer to the current city adopted property maintenance, electrical, mechanical, and plumbing codes. All references in said code to “wood foundations” shall not apply.

7. **DELETIONS.** The following numbered Chapters, Articles or Sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

Section Number (inclusive)

R103

R109.1.1

~~R302.1 (table)~~

~~R311.5.3.3~~

R309.5

R313

R314 (in lieu of 425 ILCS 60 Smoke Detector Act)

~~R322.1 in reference to the Illinois Accessibility Code~~

~~R317.1 Exception (2)~~

~~R317.1.1~~

~~R403.1.3.2~~

~~R403.1.4~~

~~R403.1.4.1 Exception (3)~~

~~R502.5 and all tables referenced within~~

~~R502.12~~

~~R502.12.1~~

R315 (in lieu of 430 ILCS 135 Carbon Monoxide Alarm Detector Act)

8. AMENDMENTS:

(a) R105.2 - ~~subsection 1: insert the words "100 square feet" in lieu of "120 square feet";~~
subsection 2. delete as an exemption; subsection 3. Insert the words, "All retaining walls are
exempt" in lieu of "walls over four feet in height". ; subsection 10, delete as exemption

(b) R105.5 - Include the words "or verbally" after the words in the second sentence, "The
building official is authorized to grant, in writing." Add to paragraph "Additional fees may be
assessed not to exceed \$50.00.

(c) Table R301.2(1) - Add the following values to the table: Roof Snow Load, 20 PSF;
Wind, Speed 90 115 MPH, Seismic Design Category, B; Weathering, Severe; Frost Line Depth,
36 inches; Termite, moderate to heavy; Decay, slight to moderate. Ice Barrier underlayment
required, yes; Flood Hazards, 8/1/79; Air Freezing Index, 1152; Mean Annual Temp. 52.

(d) R302.1 - Change first paragraph to: "Exterior walls with a fire separation distance less
than three (3) feet shall have not less than a one (1) hour fire resistive rating with exposure from
both sides."

(e) ~~R319.1~~ R317.1(2) Delete the last part that reads "and are less than 8 inches from the
exposed ground."

~~(f) R403.1.4 Insert 36 inches in lieu of 12 inches.~~

~~(g) R408.4. Change to read: "Access shall be provided to all under-floor spaces. Access
openings shall be a minimum of 18 inches by 24 inches (451mm by 610mm)."~~

~~(h) R602.7.2 Delete all of the section except for the first sentence.~~

APPENDIX ADOPTIONS

~~(i) (f) Appendix G-J, "Existing Building and Structures" Swimming Pools Spas and Hot
Tubs -- adopt in entirety and adding "A wall of a swimming pool shall not be located less than six
(6) feet from any rear or side property line".~~

9. **APPLICATION FOR PERMIT.** Application for a permit required by said Code or this Chapter shall be made by the owner or the person or the person or entity in or entitled to possession of the premises where the proposed work is to be done, or by the agent of either, or by the engineer, architect or contractor connected with such work.

10. **FEE.** The amount of the fee required to accompany the application for a permit and to be paid to the City Treasurer shall be determined by the building official as follows:

(a) For permits to demolish structures the amount shall be as follows:

1-4 Unit Residential Structures	\$50
Buildings which are accessory to residential structures (garages, sheds, etc.)	\$25
Other	\$50 or per work value as listed in item (a) above, whichever is greater.

(b) For permits to erect new one or two-family residential structures, room additions to such structures, accessory buildings to such structures, or additions to accessory structures, the amount shall be as follows:

Square footage of finished living space x \$.25 plus square footage of unfinished space (includes basements, garages, decks, porches and other accessory) x \$.15.

(c) For permits to alter or repair one and two family residential structures or residential accessory buildings, the amount shall be as follows:

Building/structural alteration or repair	\$50
Electrical:	
Add up to 2 circuits, or install additional new outlets, or repair damaged wiring	\$25 per unit
Change or upgrade electrical service or add more than 2 new circuits, or install new wiring for more than 2 Circuits	\$35 per unit

Mechanical:	
Furnace or air conditioning unit or equipment replacement, or installation	\$25 per unit
Electrical wiring for new/add on furnace or air Conditioning	\$25 per unit
Plumbing	\$6 per fixture with a minimum of \$25 per unit

(d) For permits to alter or repair other than one and two family residential structures or residential accessory buildings, the amount shall be per work value as listed in item (a) above.

(e) For permits to erect or construct new buildings or additions to buildings other than one or two family residential or residential accessory buildings, the amount shall be per work value as listed in item (a) above.

(f) For permits to erect or install swimming pools, the amount shall be as follows:

Inground pool including electrical and plumbing required \$70
but not including any deck associated with pool

Above ground pool but not including associated decks \$25

Above ground pool with electrical but not including \$50
but not including associated decks.

(g) For permits to erect boathouses, shore walls, or \$30
permanent docks

(h) Fences (all types) \$10

(i) An additional fee of \$50 will be assessed for permits to erect or construct new buildings or for additions or alterations to buildings whereby the work has not been completed and/or has not received "satisfactory" final inspections by the expiration date of the permit. This fee may be waived by the Building Inspections Manager if he determines that the reasons for delay are justified.

11. **WORK DONE WITHOUT PERMIT.** Should any work for which a permit is required be commenced or be done before such permit is issued and obtained, the required permit may nonetheless be issued for such and subsequent work; however, the amount of the required fee as provided herein for all work, both that commenced before and that proposed to be done after said permit is issued, shall be double that otherwise so provided, and issuance of such permit shall not, and shall not be, and shall not be construed to be, an excuse from, or waiver of, or defense to or absolution from any penalty, liability or action otherwise provided for in said Code or this Chapter but shall be cumulative of and in addition thereto.

12. **RISK OF INJURY.** Whenever application for a permit indicates that a part of a public way or other property of the City will be used for storage of material, or be closed, or otherwise used appurtenant to the work to be done under such permit, or application is made for a permit to move a building or structure, or application is made for a permit to demolish a building or structure other than one not exceeding 20 feet high above grade and with a minimum separation from the nearest other existing structure of five feet and the nearest property line of a public way of not less than ten feet, if by reason of the size, condition, or location thereof it appears to the building official there will exist the possibility or risk of injury to persons or property, such official may withhold such permit unless there is on file with the Finance Department an enforceable contract of insurance, with the person or the entity that is to perform the work and the City as named insured, affording coverage for each occurrence of personal injury of not less than \$500,000 and for property damage of not less than \$100,000 and expressly provided that the same remain in effect for the term thereof absent written notice of cancellation received by said Clerk, in which event said permit shall automatically terminate to the same extent as if the same had been physically withdrawn and canceled.

13. **PENALTY.** Any person or entity that erects, constructs, alters, repairs, removes or demolishes a building or structure without a permit required by said Code or this Chapter, or in departure from or not in compliance with an approved plan, or that uses or occupies a building or structure, or part thereof, contrary to the provisions of this Code or without a required permits, whether or not notice is received that such is a violation, or that continues work after a stop-work order has been issued, served or posted, or that removes such a posted order, or that procures or causes another to do, or to omit, as the case may be, any of the foregoing, or that having been given notice thereof otherwise violates or fails to comply with the provisions of said Code or this Chapter shall be fined no less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day upon which a violation occurs or is allowed to continue, or a condition is not brought into compliance after notice, shall be viewed and may be prosecuted as a separate and distinct offense. (Amended, Ordinance No. 2011-75)

14. **OTHER REMEDIES.** The penalties provided herein are and shall be cumulative of and in addition to any other remedy, or remedies, provided for in said Code of this Chapter.

15. **RE-INSPECTION FEES.** A re-inspection fee of \$30.00 shall be assessed the applicant for a construction permit, or in the case of a combined permit, against the licensed subcontractor, who has requested an inspection which cannot be completed and/or approved by the Inspection Division for any of the following reasons:

1) The work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made;

2) The inspection reveals that there are violations which should have been found and corrected by workers while simply checking their work before calling for an inspection.

3) The work for which the inspection has been requested has been covered up or hidden from view so that an inspection cannot be made;

- 4) The Inspector is unable to gain entry at the time requested by the contractor, or
- 5) When previously noted violations have not been corrected.

Fees assessed as herein provided may be appeals to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such assessment. An appeal shall stay the due date for payment until the date of the final order of the Board.

Such fees shall be assessed by mailing notice of same to the owner or other person by certified mail, return receipt requested. Payment thereof shall be due fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the owner or other person to appeal the same to the Board and the time limitation thereon.

In any judicial proceeding brought by the City to collect fees which have not been paid as required by the provisions hereof, failure to receive notice of the assessment of such fee may be a defense thereto, but only if such notice was not sent to the proper mailing address of the defendant or was received thereat by someone other than a person upon whom substituted service may be made pursuant to the Illinois Code of Civil Procedure.

Any fee or fees assessed as herein provided, and any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under Section of this Chapter.

No Certificate of Occupancy shall be issued for any building for which re-inspection fees are unpaid.

16. WITHHOLDING OF PERMITS. Building permits may be withheld from permit applicants, or in the case of combined permits from the license subcontractor, who is in violation of Chapters 67, 67.2, 68, 69, or 70.1 of the City Code at a location other than that for which a permit is being sought.

Such violation may include, but shall not be limited to the following:

(a) Failure to arrange for inspections required under Chapters 67, 67.2, 68, 69, and/or 70.1 of the City Code within a reasonable time frame.

(b) Failure to take reasonable requested action to uncover work which requires inspection but has been hidden from view of the inspector.

(c) Failure to pay required permit or re-inspection fees.

(d) Failure to obtain a building permit for work which required a building permit.

(e) Failure to take reasonable action to notify and obtain approval from division of changes made to approved building permits.

(f) Falsifying information on building permit applications.

(g) Performance of building permit work under an invalid or voided building permit.

(h) Failure to obtain a required Certificate of Occupancy before occupying or allowing occupancy of new construction or change in use.

Permit applicants from which permits are to be withheld must be notified by mailing notice of same to the permit applicant or license subcontractor by certified mail, return receipt requested. Said notice shall inform the permit applicant or license subcontractor of the violations which, if corrected, will allow the City to issue to the permit applicant or licensed subcontractor, additional permits. Corrections shall be made within fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the permit applicant or licensed subcontractor to appeal the same to the Construction and Housing Board of Appeals and the time limitation thereon.

The withholding of permits as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such withholding. An appeal shall stay the due date for corrections required until the date of the final order of the Board.

17. **SEVERABILITY.** The provisions hereof are, and shall be construed to be severable, and invalidity of any section or provision of this Chapter or the codes and standards hereby adopted shall not invalidate other sections or provisions hereof.

18. **REPEALED.** That existing provisions of ordinances not in conformity with the provisions of this Chapter are, to the extent of such nonconformity, amended, modified or repealed so as to conform with the provisions hereof.

ORDINANCE NO. _____

**ORDINANCE AMENDING CITY CODE
CHAPTER 68
MECHANICAL CODE**

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:

Section 1. That Chapter 68 of the City Code of the City of Decatur, Illinois, be, and the same is hereby, modified and amended by amending Section 2, so that Section 2 as so modified and amended, shall provide as set forth in Exhibit A attached hereto.

Section 2. That Chapter 68 of the City Code of the City of Decatur, Illinois, be, and the same is hereby, modified and amended by amending Section 6, so that Section 6 as so modified and amended, shall provide as set forth in Exhibit B attached hereto.

Section 3. That Chapter 68 of the City Code of the City of Decatur, Illinois, be, and the same is hereby, modified and amended by amending Section 7, so that Section 7 as so modified and amended, shall provide as set forth in Exhibit C attached hereto.

Section 4. That this Ordinance amendment shall become effective on January 1, 2019.

Section 5. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this 5th day of November,
2018.

JULIE MOORE WOLFE, MAYOR

CITY CLERK

PUBLISHED this _____ day of _____, 2018

CITY CLERK

2. **MECHANICAL CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, the International Mechanical Code 2015 and the International Fuel Gas Code 2015 of the International Code Council, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference, the same to be known, and which may be cited, as "The Mechanical Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

EXHIBIT A

ADDITIONS & DELETIONS
CHAPTER 68
SECTION 2.
MECHANICAL CODE

2. **MECHANICAL CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, the International Mechanical Code ~~2009~~ 2015 and the International Fuel Gas Code ~~2009~~ 2015 of the International Code Council, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference, the same to be known, and which may be cited, as "The Mechanical Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

(Amended, Ordinance No. 2011-50, August 15, 2011)
(Amended, Ordinance No. 2007-20, April 2, 2007)
(Amended, Ordinance No. 2005-10, February 21, 2005)
(Amended, Ordinance No. 2002-44, June 3, 2002)
(Amended, Ordinance No. 2000-26, April 17, 2000)
(Amended, Ordinance No. 97-94, October 20, 1997)

ADDITIONS & DELETIONS
CHAPTER 68
SECTION 6.
MECHANICAL CODE

6. **DELETIONS.** The following numbered articles or sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

M Section No. (inclusive)

103.1 - ~~103.4~~ 103.3 106.5.2 - 106.5.3

108.4 109

~~304.11~~ ~~306.5.1~~

603.5

(Amended, Ordinance No. 2011-50, August 15, 2011)
(Amended, Ordinance No. 2007-20, April 2, 2007)
(Amended, Ordinance No. 2005-10, February 21, 2005)
(Amended, Ordinance No. 2002-44, June 3, 2002)
(Amended, Ordinance No. 2000-26, April 17, 2000)

International Fuel Gas Code Section No. (inclusive)

103.2

106.6.2

~~108.5~~

109 (IFGC)

(Amended, Ordinance No. 2011-50, August 15, 2011)
(Amended, Ordinance No. 2002-44, June 3, 2002)

7. **AMENDMENTS.** The following numbered sections in said Code are hereby modified and amended as herein indicated:

(a) M-106.5.2 by substituting the words "See Section 9 of Chapter 68 of the City Code" after the words "following schedule".

(b) M-108.4 by deleting the words "of not less than (amount) dollars or more than (amount) dollars".

(c) Reference to ICC International Plumbing Code in Chapter 16 changed to reference Illinois State Plumbing Code, latest edition, as amended.

(d) M603.5. Nonmetallic ducts. Fibrous duct construction, specifically duct board material, shall not be used as Class 0 or Class 1 air duct.

EXHIBIT C

ADDITIONS & DELETIONS
CHAPTER 68
SECTION 7.
MECHANICAL CODE

7. **AMENDMENTS.** The following numbered sections in said Code are hereby modified and amended as herein indicated:

(a) M-106.5.2 by substituting the words "See Section 9 of Chapter 68 of the City Code" after the words "following schedule". (Amended, Ordinance No. 2000-26, April 17, 2000)

(b) M-108.4 by deleting the words "of not less than (amount) dollars or more than (amount) dollars".

(Amended, Ordinance No. 2005-10, February 21, 2005)
(Amended, Ordinance No. 2000-26, April 17, 2000)

(c) Reference to ICC International Plumbing Code in Chapter 16 changed to reference Illinois State Plumbing Code, latest edition, as amended.

(Amended, Ordinance No. 2011-50, August 15, 2011)
(Amended, Ordinance No. 2002-44, June 3, 2002)
(Amended, Ordinance No. 2000-26, April 17, 2000)

~~(d) M304.11 Guards. Guards shall be provided where appliances, equipment, fans or other components that require service are located within 10 feet of a roof edge or open side of a walking surface and such edge or open side is located more than 6 feet above the floor, roof or grade below. The guard shall extend not less than 30 inches beyond each end of such appliance, equipment, fan or component and the top of the guard shall be located not less than 42 inches above the elevated surface adjacent to the guard. The guard shall be constructed so as to prevent the passage of a 21 inch diameter sphere and shall comply with the loading requirements for guards specified in the International Building Code.~~

~~Exception: HVAC equipment located on a roof with the service side of the unit located 10 feet or more from the roof edge guards are not required,~~

~~provided the distance from any side of unit is not less than 6 feet from the roof edge.~~

~~Exception: Appliances, equipment, fans and other components located on a flat roof enclosed by parapet walls not less than 36 inches high, no guards required.~~

(Amended, Ordinance No. 2011-50, August 15, 2011)

(Amended, Ordinance No. 2005-10, February 21, 2005)

(Amended, Ordinance No. 2002-44, June 3, 2002)

(Amended, Ordinance No. 2000-26, April 17, 2000)

ORDINANCE NO. _____

ORDINANCE AMENDING CITY CODE
CHAPTER 69
ELECTRICAL CODE

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:

Section 1. That Chapter 69 of the City Code of the City of Decatur, Illinois, be, and the same is hereby, modified and amended, so that Chapter 69 as so modified and amended, shall provide as set forth in Exhibit A attached hereto.

Section 2. That this Ordinance amendment shall become effective on January 1, 2019.

Section 3. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this 5th day of November,
2018.

JULIE MOORE WOLFE, MAYOR

CITY CLERK

PUBLISHED this _____ day of _____, 2018

CITY CLERK

CHAPTER 69

ELECTRICAL CODE

1. **APPLICABILITY.** This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said Code, except as modified by the provisions of this Chapter.

2. **ELECTRICAL CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, the National Electrical Code, 2014 Edition of the National Fire Protection Association, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference and the same to be known, and which may be cited, as "The Electrical Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

(Amended, Ordinance No. 2011-51, August 15, 2011)
(Amended, Ordinance No. 2008-09, March 17, 2008)
(Amended, Ordinance No. 2005-81, September 6, 2005)
(Amended, Ordinance No. 2002-16, April 1, 2002)
(Amended, Ordinance No. 2000-96, November 6, 2000)
(Amended, Ordinance No. 99-33, April 5, 1999)

3. **SUBSTITUTIONS.** Whenever in said Code the jurisdiction or governmental body having jurisdiction is referred to, such reference shall mean the City of Decatur, Illinois, and whenever the state is referred to it shall mean the State of Illinois and said Code shall be taken and construed as if the same were expressly set out therein.

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the authority having jurisdiction such shall be taken to mean and shall be construed to refer to the

Building Inspection Manager as fully as if said designation was set out therein.

(Amended, Ordinance No. 2010-03, February 1, 2010)

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the board of appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City.

6. **PERMIT REQUIRED.** It shall be unlawful to do electrical work, including all raceway systems and all conductor installations, in the city unless and until permit for the same has been obtained when required by and issued in accordance with the provisions of the Building Code, with the following exceptions: (Amended, Ordinance No. 2002-16, April 1, 2002)

A. Minor maintenance such as changing a switch, receptacle, light fixture, ballasts, and bulbs.

B. Replacing a grounded receptacle with GFCI receptacle.

C. Low voltage wiring for thermostats and other related controls for heating and air conditioning units in existing buildings. (Amended, Ordinance No. 2002-42, May 20, 2002)

D. Low voltage wiring for T.V., sound systems, alarm systems, computer data and telephones in existing buildings. (Amended, Ordinance No. 2002-16, April 1, 2002)

E. Coax cable for antenna or computers in existing buildings.

(Amended, Ordinance No. 2005-81, September 6, 2005)

(Amended, Ordinance No. 2002-16, April 1, 2002)

F. Wiring replacement furnace or air conditioning equipment from the existing switch or disconnect where circuit wires are of adequate size.

G. Wiring required for installation of industrial machinery from the existing switch or disconnect where circuit wires are of adequate size.

(Amended, Ordinance No. 2002-16, April 1, 2002)

H. Wiring for replacement signs from existing switch or disconnect where circuit wires are of adequate size.

I. Service related work such as replacing fuses, circuit breakers, motors, or controls in existing buildings or appliances. This would include heating elements of ranges, furnaces, water heaters, etc.

J. Replacing broken meter sockets or masts on services where no new conduit or conductors are changed, enlarged, or replaced.

K. Permits are valid for a period of six (6) months for new construction and ninety (90) days for renovation; or with an approved extension.

(Amended, Ordinance No. 2008-09, March 17, 2008)

(Amended, Ordinance No. 2002-16, April 1, 2002)

(Amended, Ordinance No. 99-33, April 5, 1999)

7. WORK DONE WITHOUT PERMIT. Except for work performed in response to an unanticipated emergency at a time other than the regular business hours of the building official and for which a permit is later obtained during the next succeeding regular business day of said official, should any work for which a permit is required be commenced or done before such permit is issued and obtained the required permit may nonetheless be issued for such and subsequent work; however, the amount of the required fee as provided herein for all work, both that commenced before and that proposed to be done after said permit is issued, shall be double that otherwise so provided, and issuance of such permit shall not, and shall not be construed to be, an excuse from, or waiver of, or defense to or absolution from any liability or action otherwise provided for in said Code or this Chapter but shall be cumulative of and in addition thereto.

8. **FEES REQUIRED.** The amount of the fee required to accompany the application for a permit and to be paid to the City Treasurer shall be determined by the building official as follows:

A. For all permits other than those specified herein said amount shall be based upon the value of the proposed work in amounts as follows:

<u>WORK VALUE</u>	<u>FEE</u>
\$ 0 - \$2,000	\$35
\$2,001 - \$3,000	\$45
\$3,001 - \$5,000	\$50
\$5,001 - 1,000,000	\$50 plus \$5 for each \$1,000 or fraction thereof over \$5,000
Over \$1,000,000	\$5,025 plus \$4 for each \$10,000 or fraction thereof over \$1,000,000

(Amended, Ordinance No. 2011-51, August 15, 2011)
(Amended, Ordinance No. 96-38, June 17, 1996).

B. For permits to alter or repair one or two family residential structures or residential accessory buildings, the amount shall be as follows:

Adding up to two (2) new circuits, installing or replacing, outlets, performing minor repairs to damaged wiring.....	\$35 per unit
Changing or upgrading electrical service or adding more than (2) new circuits or installing wiring for more than two (2) new circuits.....	\$45 per unit
Electrical wiring for new/add on furnace or air conditioning	\$35 per unit

(Amended, Ordinance No. 96-38, June 17, 1996)

C. For permits to install new electrical work in one and two family residential structures, room additions to such structures, or accessory buildings to such structures, the amount shall be

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included as part of a combined permit for building, electrical, mechanical, and plumbing and shall be included in the total fee as set forth in Chapter 67, Section 9 (c).

D. For permits to erect or install swimming pools with electrical work, the amount shall be as follows:

Inground swimming pool with electric work	\$70
Above-ground swimming pool with electric work	\$50

(Amended, Ordinance No. 96-38, June 17, 1996).

9. SERVICE SPECIFICATIONS.

A. All newly installed electrical services shall be in conformance with the ~~2011~~2014 edition of the National Electrical Code and with the following:

(Amended, Ordinance No. 2011-51, August 15, 2011)

(Amended, Ordinance No. 2008-09, March 17, 2008)

(Amended, Ordinance No. 2005-81, September 6, 2005)

(1) N.E.C. 230.2 Number of services - only one service drop or lateral shall be permitted unless written approval by the Inspection Division is obtained for the conditions (a) through (d) of said Article 230.2. (Amended, Ordinance No. 2005-81, September 6, 2005)

(2) N.E.C. 230.43 Service - entrance conductors shall be installed in accordance with the applicable requirements of this code covering the type of wiring method used and shall be limited to the following methods:

- (a) Rigid metal conduit;
- (b) Intermediate metal conduit;
- (c) Rigid nonmetal conduit.

Any other method described shall have written consent of the Inspection Division and local utility company.

(Amended, Ordinance No. 2005-81, September 6, 2005)

(3) N.E.C. 230.70 (a) Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure, or inside nearest point of entrance of the service conductors, but not to exceed ten feet.

(Amended, Ordinance No. 2005-81, September 6, 2005)

(4) Where city water is available, the electrical service shall be bonded to the cold water piping with a jumper around the water meter.

(Amended, Ordinance No. 2005-81, September 6, 2005)

(Amended, Ordinance No. 2002-16, April 1, 2002)

(Amended, Ordinance No. 2000-96, November 6, 2000)

(5) Sizing of service entrance conductors shall be one of the following: (a) to main breaker with no reduction of ampere rating; (b) to approved calculated load where multiple disconnects are used, with no reduction of ampere rating; (c) to rated buss of equipment when no calculated load is provided with no reduction of ampere rating.

(Amended, Ordinance No. 2008-09, March 17, 2008)

(Amended, Ordinance No. 2005-81, September 6, 2005)

(Amended, Ordinance No. 2002-42, May 20, 2002)

(6) PVC risers up utility poles shall be Schedule 80.

(Amended, Ordinance No. 2008-09, March 17, 2008)

(7) Metal elbows and conduits at utility poles and building service shall be connected to an effective grounding path, by the electrical contractor and installed as per N.E.C. 250.80.

(Amended, Ordinance No. 2008-09, March 17, 2008)

10. CODE APPLICATIONS - SPECIFIC.

A. New buildings of all types:

1) The 2014 edition of the National Fire Protection Association will be the accepted code for all electrical wiring installations.

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(Amended, Ordinance No. 2011-51, August 15, 2011)
(Amended, Ordinance No. 2008-09, March 17, 2008)
(Amended, Ordinance No. 2005-81, September 6, 2005)
(Amended, Ordinance No. 2002-16, April 1, 2002)
(Amended, Ordinance No. 2000-96, November 6, 2000)
(Amended, Ordinance No. 99-33, April 5, 1999)

2) Where emergency lighting is required, an adequate numbers of battery back-up type fixtures shall be used to provide lighting for exiting. This shall be required in all installations including buildings supplied with alternate power supply such as generators or separate services.

(Amended, Ordinance No. 2011-51, August 15, 2011)

3) Smoke detectors shall be as per 907.2.10 of the International Fire Code - 2015 Edition. (Amended, Ordinance No. 2011-51, August 15, 2011)

B. Existing buildings:

1) Other than dwelling:

(a) All new wiring shall be installed as per this Electrical Code;

(b) When it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, such defects shall be corrected.

(c) Whenever construction remodeling calls for walls or ceilings (including suspended ceilings) to be opened up, all wiring, boxes, conduit, etc. exposed by this work shall be in accordance with the code at the time of installation or brought up to current code standards.

(Amended, Ordinance No. 2011-51, August 15, 2011)
(Amended, Ordinance No. 2002-16, April 1, 2002)

2) Buildings or part of buildings used as human dwellings:

(Amended, Ordinance No. 2002-16, April 1, 2002)

(Amended, Ordinance No. 95-15, April 3, 1995)

(a) Whenever a new electrical service or wiring of new building additions or rewiring with three (3) or more additional circuits, the following shall also apply:

1. Service: The size and usage of appliance and equipment shall be used as the basis for determining the need for additional facilities in accordance with the latest adopted edition of this Electrical Code. (Amended, Ordinance No. 2005-81, September 6, 2005)

2. Receptacles: Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one duplex wall receptacle and be protected by a GFCI. Any new receptacle must be of the grounded type and installed as per the NEC. Existing 3-wire grounded type receptacles, wired to a 2-wire system, shall either be grounded as per the NEC, protected by a GFCI, or replaced by a 2-wire receptacle.

3. Lighting fixtures: Every public hall, interior stairway, bathroom, laundry room, furnace room, basements, and attics or utility rooms used for storage or contain equipment requiring servicing shall contain at least one electric lighting fixture controlled by a wall switch at the usual point of entry. (Amended, Ordinance No. 2005-81, September 6, 2005)

4. Electrical system hazards: The following items are declared to be hazardous and it shall be unlawful to create, maintain or permit the same to exist.

a. Conductors or devices carrying electrical energy in excess of the approved rated capacity;

b. Electrical wiring, of all types, not supported in an approved manner (existing wiring will be allowed on bottom of joists in basements if secured at intervals to eliminate sagging);

c. Splices unenclosed in approved boxes other than knob and tube wiring inside walls and attics;

d. Absence of or use of unapproved connectors for splices and termination into boxes or cabinets;

e. Exposed fuse blocks or cleat type light fixtures;

f. Wiring with insulation deterioration or other damaged conditions;g.

Flexible cords, commonly known as lamp or extension cords, used as a substitute for fixed wiring; or where run through walls, ceilings, floors, doorways, windows, or where attached to, or run behind building surfaces such as walls, ceilings, baseboard, and floors;

h. The use of the grounded circuit conductor used for grounding, except as provided by NEC 250.140, Exception, for such listed appliances;

(Amended, Ordinance No. 2005-81, September 6, 2005)

(Amended, Ordinance No. 2000-96, November 6, 2000)

i. Broken porcelain fixtures in basements or cord type fixtures with frayed or deteriorated insulation;

j. Electrical wiring with metal outer covering in contact with dissimilar metals such as copper water piping, etc.;

k. Boxes or conduits with excessive number of conductors;

l. Knob and tube wiring in areas other than inside walls or attics.

In keeping with safe electrical installations, all unsafe conditions other than specifically noted above, should be disclosed to the owner by the electrical contractor and corrected before inspection.

C. Swimming Pools

(Amended, Ordinance No. 2011-51; Ordinance No. 2010-48)

N.E.C. 680.23. Underwater Luminaries. This section covers all luminaries (lighting fixtures) installed below the normal water of the pool. (a) Voltage Limitation. No luminaries (lighting fixtures) shall be installed for operation on supply circuits over 15 volts between conductors.

11. **SERVICE CONNECTIONS.** The local utility company may connect the electrical service to the structure when the service is installed permanently on the structure and upon order of the Inspection Division. Where services have been damaged due to weather conditions, a permit and inspection will be necessary only when new conductors are being installed. Such inspections will be of the electrical service only.

During severe weather conditions the Building Inspection Manager may waive all permits and inspections. Under such conditions the repaired services must remain the same size and materials must be used accordingly. If a larger size service is requested by the owner, then all such provisions of this code shall apply.

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2002-16, April 1, 2002)

(Amended, Ordinance No. 95-15, April 3, 1995)

12. **INSPECTIONS:** All electrical wiring installed under a permit issued as herein provided must be inspected before being concealed and must have a final approved inspection before the Certificate of Occupancy is eligible for issuance. It is the responsibility of the

electrical contractor, or those making electrical installations or alterations, to give such timely notice requesting inspections. It may be necessary at various times to lengthen the time before inspections can be made and shall be at the discretion of the Building Inspection Manager. Failures to call for final electrical inspections before structures are occupied or after job completion, will be cause for the Inspection Division to submit the case before the Electrical Commission for possible license suspension or revocation. The Inspection Division may revoke a permit or withhold approval of work in case there has been a false statement or representation as to a material fact in the application, the plans, or specifications upon which such approval of such permit was based.

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 95-15, April 3, 1995)

13. **PENALTY.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish, install or operate electrical equipment regulated by said Building Code or said Electrical Code or this Chapter or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions thereof. It shall be unlawful to continue work after a stop order has been issued, served or posted under said provisions. Any person, firm or corporation violating or found to be in violation of any of said provisions shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day upon which a violation occurs or is allowed to continue, or a condition is not brought into compliance after notice, shall be viewed and may be prosecuted as a separate and distinct offense. (Amended, Ordinance No. 2011-75)

14. **OTHER REMEDIES.** The imposition of the penalties herein prescribed shall not preclude the institution of appropriate action to prevent unlawful construction or to restrain,

correct or abate a violation, or to stop an illegal act, conduct, business or operation of electrical equipment or systems in or about any premises.

15. **RE-INSPECTION FEES.** A re-inspection fee of \$30.00 shall be assessed against the applicant for a construction permit who has requested an inspection which cannot be completed and/or approved by the Inspection Division for any of the following reasons:

(1) the work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made,

(2) the inspection reveals that the electrical system has more than three code violations due to: equipment not installed per instructions included in the listing or labeling; equipment installed without correct polarity; components not properly grounded; wiring not installed as to be free from short circuits; equipment installed with improper ratings; devices and fixtures not energized because of loose connections or broken wires,

(3) the Inspector is unable to gain entry at the time requested by the contractor,

(4) when previously noted violations have not been corrected.

Fees assessed as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such assessment. An appeal shall stay the due date for payment until the date of the final order of the Board.

Such fees shall be assessed by mailing notice of same to the owner or other person by certified mail, return receipt requested. Payment thereof shall be due fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the owner or other person to appeal the same to the Board and the time limitation thereon.

In any judicial proceeding brought by the City to collect fees which have not been paid as required by the provisions hereof, failure to receive notice of the assessment of such fee may be a defense thereto, but only if such notice was not sent to the proper mailing address of the defendant or was received thereat by someone other than a person upon whom substituted service may be made pursuant to the Illinois Code of Civil Procedure.

Any fee or fees assessed as herein provided, and any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under this Chapter.

No certificate of occupancy shall be issued for any building for which re-inspection fees are unpaid.

16. **WITHHOLDING OF PERMITS.** Building permits may be withheld from permit applicants, or in the case of combined permits from the licensed subcontractor, who is in violation of Chapters 67, 68, 69, or 70.1 of the City Code at a location other than that for which a permit is being sought. Such violation may include, but shall not be limited to the following:

A. Failure to arrange for inspections required under Chapters 67, 68, 69, and/or 70.1 of the City Code within a reasonable time frame.

B. Failure to take reasonable requested action to uncover work which requires inspection but has been hidden from view of the inspector.

C. Failure to pay required permit or re-inspection fees.

D. Failure to obtain a building permit for work which required a building permit.

E. Failure to take reasonable action to notify and obtain approval from Inspection Division of changes made to approved building permits.

F. Falsifying information on building permit applications.

G. Performance of building permit work under an invalid or voided building permit.

H. Failure to obtain a required certificate of occupancy before occupying or allowing occupancy of new construction or change in use.

Permit applicants from which permits are to be withheld must be notified by mailing notice of same to the permit applicant or licensed subcontractor by certified mail, return receipt requested. Said notice shall inform the permit applicant or licensed subcontractor of the violations, which if corrected, will allow the City to issue to the permit applicant or licensed subcontractor additional permits. Corrections shall be made within fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the permit applicant or licensed subcontractor to appeal the same to the Construction and Housing Board of Appeals and the time limitation thereon.

Permits withheld as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such withholding. An appeal shall stay the due date for corrections required until the date of the final order of the Board.

Any action to withhold permits as herein provided and/or any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under section of this Chapter.

17. **SEVERABILITY.** The provisions hereof are, and shall be construed to be severable and invalidity of any section or provisions of this Chapter or of the codes and standards hereby adopted shall not invalidate other sections or provisions hereof.

EXHIBIT A

ADDITIONS & DELETIONS
CHAPTER 69
ELECTRICAL CODE

1. **APPLICABILITY.** This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said Code, except as modified by the provisions of this Chapter.

2. **ELECTRICAL CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, the National Electrical Code, ~~2011~~2014 Edition of the National Fire Protection Association, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference and the same to be known, and which may be cited, as "The Electrical Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

(Amended, Ordinance No. 2011-51, August 15, 2011)
(Amended, Ordinance No. 2008-09, March 17, 2008)
(Amended, Ordinance No. 2005-81, September 6, 2005)
(Amended, Ordinance No. 2002-16, April 1, 2002)
(Amended, Ordinance No. 2000-96, November 6, 2000)
(Amended, Ordinance No. 99-33, April 5, 1999)

3. **SUBSTITUTIONS.** Whenever in said Code the jurisdiction or governmental body having jurisdiction is referred to, such reference shall mean the City of Decatur, Illinois, and whenever the state is referred to it shall mean the State of Illinois and said Code shall be taken and construed as if the same were expressly set out therein.

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the authority having jurisdiction such shall be taken to mean and shall be construed to refer to the

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Building Inspection Manager as fully as if said designation was set out therein.

(Amended, Ordinance No. 2010-03, February 1, 2010)

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the board of appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City to which appeals of orders, decisions or determinations of the Superintendent may be taken.

6. **PERMIT REQUIRED.** It shall be unlawful to do electrical work, including all raceway systems and all conductor installations, in the city unless and until permit for the same has been obtained when required by and issued in accordance with the provisions of the Building Code, with the following exceptions: (Amended, Ordinance No. 2002-16, April 1, 2002)

A. Minor maintenance such as changing a switch, receptacle, light fixture, ballasts, and bulbs.

B. Replacing a grounded receptacle with GFCI receptacle.

C. Low voltage wiring for thermostats and other related controls for heating and air conditioning units in existing buildings. (Amended, Ordinance No. 2002-42, May 20, 2002)

D. Low voltage wiring for T.V., sound systems, alarm systems, computer data and telephones in existing buildings. (Amended, Ordinance No. 2002-16, April 1, 2002)

E. Coax cable for antenna or computers in existing buildings.

(Amended, Ordinance No. 2005-81, September 6, 2005)

(Amended, Ordinance No. 2002-16, April 1, 2002)

F. Wiring replacement furnace or air conditioning equipment from the existing switch or disconnect where circuit wires are of adequate size.

G. Wiring required for installation of industrial machinery from the existing switch or disconnect where circuit wires are of adequate size.

(Amended, Ordinance No. 2002-16, April 1, 2002)

H. Wiring for replacement signs from existing switch or disconnect where circuit wires are of adequate size.

I. Service related work such as replacing fuses, circuit breakers, motors, or controls in existing buildings or appliances. This would include heating elements of ranges, furnaces, water heaters, etc.

J. Replacing broken meter sockets or masts on services where no new conduit or conductors are changed, enlarged, or replaced.

K. Permits are valid for a period of six (6) months for new construction and ninety (90) days for renovation; or with an approved extension.

(Amended, Ordinance No. 2008-09, March 17, 2008)

(Amended, Ordinance No. 2002-16, April 1, 2002)

(Amended, Ordinance No. 99-33, April 5, 1999)

7. WORK DONE WITHOUT PERMIT. Except for work performed in response to an unanticipated emergency at a time other than the regular business hours of the building official and for which a permit is later obtained during the next succeeding regular business day of said official, should any work for which a permit is required be commenced or done before such permit is issued and obtained the required permit may nonetheless be issued for such and subsequent work; however, the amount of the required fee as provided herein for all work, both that commenced before and that proposed to be done after said permit is issued, shall be double that otherwise so provided, and issuance of such permit shall not, and shall not be construed to be, an excuse from, or waiver of, or defense to or absolution from any liability or action otherwise provided for in said Code or this Chapter but shall be cumulative of and in addition thereto.

8. **FEES REQUIRED.** The amount of the fee required to accompany the application for a permit and to be paid to the City Treasurer shall be determined by the building official as follows:

A. For all permits other than those specified herein said amount shall be based upon the value of the proposed work in amounts as follows:

<u>WORK VALUE</u>	<u>FEE</u>
\$ 0 - \$2,000	\$35
\$2,001 - \$3,000	\$45
\$3,001 - \$5,000	\$50
\$5,001 - 1,000,000	\$50 plus \$5 for each \$1,000 or fraction thereof over \$5,000
Over \$1,000,000	\$5,025 plus \$4 for each \$10,000 or fraction thereof over \$1,000,000

(Amended, Ordinance No. 2011-51, August 15, 2011)

(Amended, Ordinance No. 96-38, June 17, 1996).

B. For permits to alter or repair one or two family residential structures or residential accessory buildings, the amount shall be as follows:

Adding up to two (2) new circuits, installing or replacing, outlets, performing minor repairs to damaged wiring.....	\$35 per unit
Changing or upgrading electrical service or adding more than (2) new circuits or installing wiring for more than two (2) new circuits.....	\$45 per unit
Electrical wiring for new/add on furnace or air conditioning	\$35 per unit

(Amended, Ordinance No. 96-38, June 17, 1996)

C. For permits to install new electrical work in one and two family residential structures, room additions to such structures, or accessory buildings to such structures, the amount shall be

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included as part of a combined permit for building, electrical, mechanical, and plumbing and shall be included in the total fee as set forth in Chapter 67, Section 9 (c).

D. For permits to erect or install swimming pools with electrical work, the amount shall be as follows:

Inground swimming pool with electric work	\$70
Above-ground swimming pool with electric work	\$50

(Amended, Ordinance No. 96-38, June 17, 1996).

9. SERVICE SPECIFICATIONS.

A. All newly installed electrical services shall be in conformance with the ~~2011~~2014 edition of the National Electrical Code and with the following:

(Amended, Ordinance No. 2011-51, August 15, 2011)
(Amended, Ordinance No. 2008-09, March 17, 2008
(Amended, Ordinance No. 2005-81, September 6, 2005)

(1) N.E.C. 230.2 Number of services - only one service drop or lateral shall be permitted unless written approval by the Inspection Division is obtained for the conditions (a) through (d) of said Article 230.2. (Amended, Ordinance No. 2005-81, September 6, 2005)

(2) N.E.C. 230.43 Service - entrance conductors shall be installed in accordance with the applicable requirements of this code covering the type of wiring method used and shall be limited to the following methods:

- (a) Rigid metal conduit;
- (b) Intermediate metal conduit;
- (c) Rigid nonmetal conduit.

Any other method described shall have written consent of the Inspection Division and local utility company.

(Amended, Ordinance No. 2005-81, September 6, 2005)

(3) N.E.C. 230.70 (a) Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure, or inside nearest point of entrance of the service conductors, but not to exceed ten feet.

(Amended, Ordinance No. 2005-81, September 6, 2005)

(4) Where city water is available, the electrical service shall be bonded to the cold water piping with a jumper around the water meter.

(Amended, Ordinance No. 2005-81, September 6, 2005)

(Amended, Ordinance No. 2002-16, April 1, 2002)

(Amended, Ordinance No. 2000-96, November 6, 2000)

(5) Sizing of service entrance conductors shall be one of the following: (a) to main breaker with no reduction of ampere rating; (b) to approved calculated load where multiple disconnects are used, with no reduction of ampere rating; (c) to rated buss of equipment when no calculated load is provided with no reduction of ampere rating.

(Amended, Ordinance No. 2008-09, March 17, 2008)

(Amended, Ordinance No. 2005-81, September 6, 2005)

(Amended, Ordinance No. 2002-42, May 20, 2002)

(6) PVC risers up utility poles shall be Schedule 80.

(Amended, Ordinance No. 2008-09, March 17, 2008)

(7) Metal elbows and conduits at utility poles and building service shall be connected to an effective grounding path, by the electrical contractor and installed as per N.E.C. 250.80.

(Amended, Ordinance No. 2008-09, March 17, 2008)

10. CODE APPLICATIONS - SPECIFIC.

A. New buildings of all types:

1) The ~~2011~~2014 edition of the National Fire Protection Association will be the accepted code for all electrical wiring installations.

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(Amended, Ordinance No. 2011-51, August 15, 2011)
(Amended, Ordinance No. 2008-09, March 17, 2008)
(Amended, Ordinance No. 2005-81, September 6, 2005)
(Amended, Ordinance No. 2002-16, April 1, 2002)
(Amended, Ordinance No. 2000-96, November 6, 2000)
(Amended, Ordinance No. 99-33, April 5, 1999)

2) Where emergency lighting is required, an adequate numbers of battery back-up type fixtures shall be used to provide lighting for exiting. This shall be required in all installations including buildings supplied with alternate power supply such as generators or separate services.

(Amended, Ordinance No. 2011-51, August 15, 2011)

3) Smoke detectors shall be as per 907.2.10 of the International Fire Code - ~~2006~~2015 Edition. (Amended, Ordinance No. 2011-51, August 15, 2011)

B. Existing buildings:

1) Other than dwelling:

(a) All new wiring shall be installed as per this Electrical Code;

(b) When it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, such defects shall be corrected.

(c) Whenever construction remodeling calls for walls or ceilings (including suspended ceilings) to be opened up, all wiring, boxes, conduit, etc. exposed by this work shall be in accordance with the code at the time of installation or brought up to current code standards.

(Amended, Ordinance No. 2011-51, August 15, 2011)
(Amended, Ordinance No. 2002-16, April 1, 2002)

2) Buildings or part of buildings used as human dwellings:

(Amended, Ordinance No. 2002-16, April 1, 2002)
(Amended, Ordinance No. 95-15, April 3, 1995)

(a) Whenever a new electrical service or wiring of new building additions or rewiring with three (3) or more additional circuits, the following shall also apply:

1. Service: The size and usage of appliance and equipment shall be used as the basis for determining the need for additional facilities in accordance with the latest adopted edition of this Electrical Code. (Amended, Ordinance No. 2005-81, September 6, 2005)

2. Receptacles: Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one duplex wall receptacle and be protected by a GFCI. Any new receptacle must be of the grounded type and installed as per the NEC. Existing 3-wire grounded type receptacles, wired to a 2-wire system, shall either be grounded as per the NEC, protected by a GFCI, or replaced by a 2-wire receptacle.

3. Lighting fixtures: Every public hall, interior stairway, bathroom, laundry room, furnace room, basements, and attics or utility rooms used for storage or contain equipment requiring servicing shall contain at least one electric lighting fixture controlled by a wall switch at the usual point of entry. (Amended, Ordinance No. 2005-81, September 6, 2005)

4. Electrical system hazards: The following items are declared to be hazardous and it shall be unlawful to create, maintain or permit the same to exist.

a. Conductors or devices carrying electrical energy in excess of the approved rated capacity;

b. Electrical wiring, of all types, not supported in an approved manner (existing wiring will be allowed on bottom of joists in basements if secured at intervals to eliminate sagging);

c. Splices unenclosed in approved boxes other than knob and tube wiring inside walls and attics;

d. Absence of or use of unapproved connectors for splices and termination into boxes or cabinets;

e. Exposed fuse blocks or cleat type light fixtures;

f. Wiring with insulation deterioration or other damaged conditions;g.

Flexible cords, commonly known as lamp or extension cords, used as a substitute for fixed wiring; or where run through walls, ceilings, floors, doorways, windows, or where attached to, or run behind building surfaces such as walls, ceilings, baseboard, and floors;

h. The use of the grounded circuit conductor used for grounding, except as provided by NEC 250.140, Exception, for such listed appliances;

(Amended, Ordinance No. 2005-81, September 6, 2005)

(Amended, Ordinance No. 2000-96, November 6, 2000)

i. Broken porcelain fixtures in basements or cord type fixtures with frayed or deteriorated insulation;

j. Electrical wiring with metal outer covering in contact with dissimilar metals such as copper water piping, etc.;

k. Boxes or conduits with excessive number of conductors;

l. Knob and tube wiring in areas other than inside walls or attics.

In keeping with safe electrical installations, all unsafe conditions other than specifically noted above, should be disclosed to the owner by the electrical contractor and corrected before inspection.

C. Swimming Pools

(Amended, Ordinance No. 2011-51; Ordinance No. 2010-48)

N.E.C. 680.23. Underwater Luminaries. This section covers all luminaries (lighting fixtures) installed below the normal water of the pool. (a) Voltage Limitation. No luminaries (lighting fixtures) shall be installed for operation on supply circuits over 15 volts between conductors.

11. **SERVICE CONNECTIONS.** The local utility company may connect the electrical service to the structure when the service is installed permanently on the structure and upon order of the Inspection Division. Where services have been damaged due to weather conditions, a permit and inspection will be necessary only when new conductors are being installed. Such inspections will be of the electrical service only.

During severe weather conditions the Building Inspection Manager may waive all permits and inspections. Under such conditions the repaired services must remain the same size and materials must be used accordingly. If a larger size service is requested by the owner, then all such provisions of this code shall apply.

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2002-16, April 1, 2002)

(Amended, Ordinance No. 95-15, April 3, 1995)

12. **INSPECTIONS:** All electrical wiring installed under a permit issued as herein provided must be inspected before being concealed and must have a final approved inspection before the Certificate of Occupancy is eligible for issuance. It is the responsibility of the

electrical contractor, or those making electrical installations or alterations, to give such timely notice requesting inspections. It may be necessary at various times to lengthen the time before inspections can be made and shall be at the discretion of the Building Inspection Manager. Failures to call for final electrical inspections before structures are occupied or after job completion, will be cause for the Inspection Division to submit the case before the Electrical Commission for possible license suspension or revocation. The Inspection Division may revoke a permit or withhold approval of work in case there has been a false statement or representation as to a material fact in the application, the plans, or specifications upon which such approval of such permit was based.

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 95-15, April 3, 1995)

13. **PENALTY.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish, install or operate electrical equipment regulated by said Building Code or said Electrical Code or this Chapter or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions thereof. It shall be unlawful to continue work after a stop order has been issued, served or posted under said provisions. Any person, firm or corporation violating or found to be in violation of any of said provisions shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day upon which a violation occurs or is allowed to continue, or a condition is not brought into compliance after notice, shall be viewed and may be prosecuted as a separate and distinct offense. (Amended, Ordinance No. 2011-75)

14. **OTHER REMEDIES.** The imposition of the penalties herein prescribed shall not preclude the institution of appropriate action to prevent unlawful construction or to restrain,

correct or abate a violation, or to stop an illegal act, conduct, business or operation of electrical equipment or systems in or about any premises.

15. **RE-INSPECTION FEES.** A re-inspection fee of \$30.00 shall be assessed against the applicant for a construction permit who has requested an inspection which cannot be completed and/or approved by the Inspection Division for any of the following reasons:

(1) the work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made,

(2) the inspection reveals that the electrical system has more than three code violations due to: equipment not installed per instructions included in the listing or labeling; equipment installed without correct polarity; components not properly grounded; wiring not installed as to be free from short circuits; equipment installed with improper ratings; devices and fixtures not energized because of loose connections or broken wires,

(3) the Inspector is unable to gain entry at the time requested by the contractor,

(4) when previously noted violations have not been corrected.

Fees assessed as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such assessment. An appeal shall stay the due date for payment until the date of the final order of the Board.

Such fees shall be assessed by mailing notice of same to the owner or other person by certified mail, return receipt requested. Payment thereof shall be due fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the owner or other person to appeal the same to the Board and the time limitation thereon.

In any judicial proceeding brought by the City to collect fees which have not been paid as required by the provisions hereof, failure to receive notice of the assessment of such fee may be a defense thereto, but only if such notice was not sent to the proper mailing address of the defendant or was received thereat by someone other than a person upon whom substituted service may be made pursuant to the Illinois Code of Civil Procedure.

Any fee or fees assessed as herein provided, and any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under this Chapter.

No certificate of occupancy shall be issued for any building for which re-inspection fees are unpaid.

16. WITHHOLDING OF PERMITS. Building permits may be withheld from permit applicants, or in the case of combined permits from the licensed subcontractor, who is in violation of Chapters 67, 68, 69, or 70.1 of the City Code at a location other than that for which a permit is being sought. Such violation may include, but shall not be limited to the following:

A. Failure to arrange for inspections required under Chapters 67, 68, 69, and/or 70.1 of the City Code within a reasonable time frame.

B. Failure to take reasonable requested action to uncover work which requires inspection but has been hidden from view of the inspector.

C. Failure to pay required permit or re-inspection fees.

D. Failure to obtain a building permit for work which required a building permit.

E. Failure to take reasonable action to notify and obtain approval from Inspection Division of changes made to approved building permits.

F. Falsifying information on building permit applications.

G. Performance of building permit work under an invalid or voided building permit.

H. Failure to obtain a required certificate of occupancy before occupying or allowing occupancy of new construction or change in use.

Permit applicants from which permits are to be withheld must be notified by mailing notice of same to the permit applicant or licensed subcontractor by certified mail, return receipt requested. Said notice shall inform the permit applicant or licensed subcontractor of the violations, which if corrected, will allow the City to issue to the permit applicant or licensed subcontractor additional permits. Corrections shall be made within fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the permit applicant or licensed subcontractor to appeal the same to the Construction and Housing Board of Appeals and the time limitation thereon.

Permits withheld as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such withholding. An appeal shall stay the due date for corrections required until the date of the final order of the Board.

Any action to withhold permits as herein provided and/or any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under section of this Chapter.

17. **SEVERABILITY.** The provisions hereof are, and shall be construed to be severable and invalidity of any section or provisions of this Chapter or of the codes and standards hereby adopted shall not invalidate other sections or provisions hereof.

ORDINANCE NO. _____
ORDINANCE AMENDING CITY CODE
CHAPTER 70
PROPERTY MAINTENANCE CODE

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:

Section 1. That Chapter 70 of the City Code of the City of Decatur, Illinois, be, and the same is hereby, modified and amended, so that Chapter 70 as so modified and amended, shall provide as set forth in Exhibit A attached hereto.

Section 2. That this Ordinance amendment shall become effective on January 1, 2019.

Section 3. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this 5th day of November, 2018.

JULIE MOORE WOLFE, MAYOR

CITY CLERK

PUBLISHED this _____ day of _____, 2018

CITY CLERK

CHAPTER 70

PROPERTY MAINTENANCE CODE

1. **APPLICABILITY.** This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said code, except as modified by the provisions of this Chapter.

2. **PROPERTY MAINTENANCE CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, the International Property Maintenance Code/2015, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference, the same to be known, and which may be cited as "The Property Maintenance Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

(Amended, Ordinance No. 2007-21, April 2, 2007)

3. **SUBSTITUTIONS.** Whenever in said Code the words, "name of jurisdiction" appear in brackets, said code is modified by removal of said brackets and substitution of the words, "the City of Decatur, Illinois," in lieu of the words contained therein, and whenever the words "name of state" so appear said Code is so modified and the word "Illinois" so substituted, and said Code shall be taken and construed as if such was expressly so set out therein.

4. **NEIGHBORHOOD INSPECTIONS.** Whenever in said Code or in the Chapter reference is made to the building official or to the code official such shall be taken to mean and shall be construed to refer to the Neighborhood Inspections Administrator or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is

therein made to the department of building inspection or similar reference such shall be taken to mean and shall be construed to refer to the Inspections Division of the Economic and Community Development Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2000-11, March 13, 2000)

5. **BOARD OF APPEALS.** Whenever in said Code reference is made to the board of appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City.

6. **DELETION.** The following numbered Articles or sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

<u>PM Section No. (Inclusive)</u>	<u>PM Section No. (Inclusive)</u>
103.1	103.2
103.3	103.5
104.2	104.6
	106.2
106.3	110.2
110.3	110.4
111.2 through 111.8 inclusive	
112.1 through 112.4 inclusive	
302.4	704.2 through 704.2.1.4 inclusive
704.2.4	

(Amended, Ordinance No. 2008-05, February 4, 2008)

(Amended, Ordinance No. 2007-21, April 2, 2007)

(Amended, Ordinance No. 98-54, August 17, 1998)

7. **AMENDMENTS.** The following numbered sections in said Code are hereby modified and amended as herein indicated:

(a) 101.1 by inserting the words "City of Decatur, Illinois" for the name of the jurisdiction.

- (b) 107.2 by removing subparagraph 6
- (c) 107.3 by adding the words “or the address listed in the Macon County Tax Assessor’s Office for receipt of the property tax bill for the property” before the semi-colon in section 107.3(2).
- (d) 107.5 by removing the words “with orders and notices”.
- (e) 108.2 by removing the last portion of the last sentence and replacing as follows “It shall be unlawful for the owner of a structure having been given notice as herein provided to fail to close the structure”.
- (f) 108.4 by replacing as follows “Placarding: After determination by the code official or his representative that a condemnation notice will be required under the provisions of this code the code official shall post on the premises or structure or parts thereof, or on defective equipment, a placard indicating that the structure or equipment has been condemned as unfit for human occupancy or use, and a statement of the penalties provided for any occupancy or use or for removing the placard”.
- (g) 111.1 by replacing “20 days” with “10 days” and adding “in the office of the City Clerk” following “10 days”.
- (h) 201.3 by removing “International Zoning Code” and replacing “International Plumbing Code” with “Illinois Plumbing Code”
- (i) 202 by adding between “(BG) Sleeping Unit” and “strict liability offense” the following: Smoke Detector – “Approved smoke detector or ‘detector’ means a smoke detector of the ionization or photoelectric type, which complies with all the requirements of the rules and regulations of the State Fire Marshal”.
- (j) 301.2 by adding “or person in control” following the word “owner” in the first sentence.
- (k) 302.1 by adding the word “owner or” following the word “the” in the second sentence and deleting the words “that part of” and “ that such occupant occupies or controls”.
- (l) 302.2 by removing the period at the end of the sentence and adding “and to prevent water damage to the foundation of the structure located thereon”.
- (m) 302.5 by adding “The owner of any residential or nonresidential structure shall be responsible for the extermination of any insects or rats, or other pests throughout the structure and on the exterior of the property. Exception: The occupant of a single family dwelling shall be responsible for the extermination of any insects, rats or other pests in the interior of the dwelling. If the single family dwelling is vacant, extermination shall be the responsibility of the owner.”
- (n) 304.5 by adding “so as to carry the safe design and operating dead and live loads” following the word “maintained” in the first sentence.
- (o) 304.6 by adding “fascias and soffits” following the word “walls” in the first sentence.
- (p) 304.7 by adding the word “may” following the word “that” in the first sentence.
- (q) 304.7 by adding “properly anchored and connected” after the word repair, and “or removed” after the word obstructions in the next to last sentence.
- (r) 304.14 by deleting the words “During the period from (Date) to (Date)” in the first sentence and deleting the “Exception” section.

(s) 304.18.1 by deleting the words “that is rented, leased or let” following the word “unit” in the first sentence.

(t) 304.18.2 by deleting the words “that is rented, leased or let” following the words “housekeeping unit”.

(u) 304.18.3 by deleting the words “rented, leased or let” following the word “housekeeping unit” and adding the words “and maintained to prevent the entrance of rats, rain and surface drainage water” at the end of the sentence.

(v) 305.2 by adding the words “free of deterioration” following the words “structurally sound”.

(w) 305.3 by adding “Bathrooms and toilet rooms shall be provided with floors of moisture resistant materials, and every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be kept in a clean and sanitary condition” at the end of the paragraph.

(x) 305.4 by adding: And constructed so as to be safe to use and capable of supporting the anticipated loads and shall be free of deterioration. The maximum riser height for the steps shall be 9” and the minimum tread depth shall be 8” with variation not exceeding $\frac{3}{4}$ ” in the depth of adjacent treads or in the height of adjacent risers.

(y) 305.7 by adding: Lead-based paint. Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

(z) 308.2.2 by deleting the words “without first removing the doors” following the word “premises”.

(aa) 309.4 by deleting the last sentence of the paragraph “If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination”.

(bb) 404.8 by adding the following: “Below Grade Rooms. Rooms partially or completely below grade shall not be used as habitable space unless (1) floors and walls are water-tight so as to prevent entry of moisture; (2) all habitable rooms shall be provided with aggregate glazing of not less than 8% of the floor area of such rooms; (3) where windows are provided as a means of egress or rescue, the windows shall have the bottom of the clear opening not more than 44” above the floor; (4) the minimum net clear opening for the below grade room windows to be used for egress or rescue shall be 5 square feet; and, (5) means of egress and emergency escape are provided in accordance with this code.

(cc) 502.5 by replacing International Plumbing Code with Illinois Plumbing Code in the first sentence.

(dd) 505.1 by replacing the International Plumbing Code with the Illinois Plumbing Code in the last sentence.

(ee) 602.2 by deleting the words “Appendix D of the International Plumbing Code” and replacing with the words “the Illinois Plumbing Code” following the words “indicated in”.

(ff) 602.3 by deleting the words “during the period from (Date) to (Date)” following the words “shall supply heat” and, in the last sentence of number 1 under

Exceptions, by deleting the words “Appendix D of the International Plumbing Code” and replacing with the words “the Illinois Plumbing Code”.

(gg) 602.4 by deleting the words “during the period from (Date) to (Date)” following the word “heat”.

(hh) 604.2 by replacing “NFPA 70” with “National Electrical Code (NEC)” as adopted by the City of Decatur.

(ii) 605.1 by adding “as per the National Electrical Code, as adopted by the City of Decatur” at the end of the sentence.

(jj) 605.3 by adding “controlled by a wall switch” after the word luminaire in the first sentence.

(kk) 702.5 – Number of Exits: In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits. Exception: A single exit is acceptable under any one of the following conditions: (1) where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas; (2) where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke proof enclosure or pressurized stairway; (3) where an existing fire escape conforming to the building code listed in Chapter 8 is provided in addition to the single exit; and (4) where permitted by the building code listed in Chapter 8.

(ll) 704.2 – Smoke Detectors. (1) Every dwelling unit shall be equipped with at least one approved smoke detector in an operating condition within 15 feet of every room used for sleeping purposes. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 12 inches from the ceiling measured to the top of the detector. All smoke detectors shall be approved and listed and shall be installed in accordance with the manufacturers instructions. (2) Every single family residence shall have at least one approved smoke detector installed on every story of the dwelling unit, including basements but not including unoccupied attics. In dwelling units with split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level if the lower level is less than one full story below the upper level; however, if there is an intervening door between the adjacent levels, a smoke detector shall be installed on each level. (3) Every structure which (i) contains more than one dwelling unit, or (ii) contains at least one dwelling unit and is a mixed-use structure, shall contain at least one approved smoke detector at the uppermost ceiling of each interior stairwell. The detector shall be installed on the ceiling, at least 6 inches from the wall, or on a wall located 6 to 12 inches from the ceiling, measure to the top of the detector.

(mm) 704.2.2 Interconnection is now 704.3

(nn) 704.2.3 Power Source is now 704.4

(oo)704.5 Carbon Monoxide Alarm Detectors. Definitions: (i) "Approved carbon monoxide alarm" or "alarm" means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association. (ii) Dwelling Unit. A room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed use building. (iii) Section 1. Carbon Monoxide Detector. (a) Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard. (b) Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes. (c) It is the responsibility of the owner of a structure to supply and install all required alarms. It is the responsibility of a tenant to test and to provide general maintenance for the alarms within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies that the tenant cannot correct. The owner is responsible for providing one tenant per dwelling unit the written information regarding alarm testing and maintenance. The tenant is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant's dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or the authorized agent of the owner. (d) The carbon monoxide alarms required may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with secondary battery back-up. Exemptions: The following residential units shall not require carbon monoxide detectors: (1) a residential unit in a building that: (i) does not rely on combustion of fossil fuel for heat, ventilation, or hot water; (ii) is not connected in any way to a garage; and (iii) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building official, to receive carbon monoxide from that source. (2) a residential unit that is not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source, as determined by the local building official. (pp): Penalty. That no person, firm or corporation shall erect, construct, alter, extend, repair, remove, demolish, maintain, operate, use or occupy any structure or equipment regulated by the provisions of this chapter or of the Code adopted hereby, or by the rules or directives promulgated or notices issued thereunder, or cause the same to be done, contrary to or in conflict with or in violation of any of said provisions, rules, directive or notices, and any person, firm

or corporation violating or found to be in violation thereof shall upon conviction be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2007-21, April 2, 2007)

8. **PENALTY.** (A) That no person, firm or corporation shall erect, construct, alter, extend, repair, remove, demolish, maintain, operate, use or occupy any structure or equipment regulated by the provisions of this Chapter or of the Code adopted hereby, or by the rules or directives promulgated or notices issued thereunder, or cause the same to be done, contrary to or in conflict with or in violation of any of said provisions, rules, directives or notices, and, except as provided in subsections (B) and (C) hereof, any person, firm or corporation violating or found to be in violation thereof shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

(B) When a person, firm or corporation is cited for a violation of any of the provisions of this chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, as provided in subsection (A) hereof, which violation occurred within twelve (12) months of a prior violation of any of the provisions of this Chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, and such violation is separately brought and arises out of a different series of acts or omissions, such person, firm or corporation shall be fined not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense and each day a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

(C) When a person, firm or corporation is cited for a violation of any of the provisions of this chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, as provided in subsection (A) hereof, which violation occurred within twelve (12) months of any two (2) prior violations of any of the provisions of this Chapter, or of the Code adopted hereby, or the rules or directives promulgated or notices issued hereunder, which prior violations each arose out of a different series of acts or omissions, and such present violation is separately brought and arises out of a different series of acts or omissions from either of the prior violations, such person, firm or corporation shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense and each day a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

9. **OTHER REMEDIES.** The imposition of the penalties herein prescribed shall not preclude the institution of appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to stop an illegal act, the conduct of business or the operation of mechanical equipment or systems in or about any premises.

10. **SEVERABILITY.** The provisions hereof are, and shall be construed to be severable and invalidity of any section or provision of this Chapter, or of the codes and standards hereby adopted, shall not invalidate other sections or provisions hereof.

11. **RULES AND REGULATIONS.** In order to cause the purpose, intent and provisions of this Chapter and the Code adopted thereby to be carried out and administered, and to facilitate the same, the City Manager be, and he is hereby, authorized to cause directives, interpretations and rules, not in conflict with said provisions, to be promulgated and enforced.

EXHIBIT A

ADDITIONS & DELETIONS

CHAPTER 70

PROPERTY MAINTENANCE CODE

1. **APPLICABILITY.** This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said code, except as modified by the provisions of this Chapter.

2. **PROPERTY MAINTENANCE CODE.** The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, the International Property Maintenance Code/2015006, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference, the same to be known, and which may be cited as "The Property Maintenance Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

(Amended, Ordinance No. 2007-21, April 2, 2007)

3. **SUBSTITUTIONS.** Whenever in said Code the words, "name of jurisdiction" appear in brackets, said code is modified by removal of said brackets and substitution of the words, "the City of Decatur, Illinois," in lieu of the words contained therein, and whenever the words "name of state" so appear said Code is so modified and the word "Illinois" so substituted, and said Code shall be taken and construed as if such was expressly so set out therein.

4. **NEIGHBORHOOD STANDARDS INSPECTIONS.** Whenever in said Code or in the Chapter reference is made to the building official or -to the code official such shall be taken to mean and shall be construed to refer to the Neighborhood Standards Inspections Administrator

(Amended, Ordinance No. 2000-11, March 13, 2000)

6. **DELETION.** The following numbered Articles or sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

704.2.4

(Amended, Ordinance No. 98-54, August 17, 1998)

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(a) 101.1 by inserting the words “City of Decatur, Illinois” for the name of the jurisdiction.

~~(b) 107.2 by removing subparagraph 6~~

~~© 107.3 by adding the words “or the address listed in the Macon County Tax Assessor’s Office for receipt of the property tax bill for the property” before the semi-colon in section 107.3(2).~~

~~(db) 107.45 by removing the words “with orders and notices”.~~

(ee) 108.2 by removing the last portion of the last sentence and replacing as follows “It shall be unlawful for the owner of a structure having been given notice as herein provided to fail to close the structure”.

(fd) 108.4 by replacing as follows “Placarding: After determination by the code official or his representative that a condemnation notice will be required under the provisions of this code the code official shall post on the premises or structure or parts thereof, or on defective equipment, a placard indicating that the structure or equipment has been condemned as unfit for human occupancy or use, and a statement of the penalties provided for any occupancy or use or for removing the placard”.

(ge) 111.1 by replacing “20 days” with “10 days” and adding “in the office of the City Clerk” following “10 days”. -

(hf) 201.3 by removing “International Zoning Code” and replacing “International Plumbing Code” with “Illinois Plumbing Code” and replacing “ICC Electrical Code” with “NEC Electrical Code”.

~~(ig) 222-202 by adding between “extermination” and “garbage” the word “family” with the following definition: Family: Either (A) two or more persons, each related to the other by blood, marriage, or adoption, together with usual domestic servants and not more than one bona fide guest, all living together as a single house keeping unit and using common kitchen facilities; and, (B) eight or fewer persons, all of whom are not necessarily related to each other by blood, marriage, or adoption, all living together as a single housekeeping unit and using common kitchen facilities. For purposes of this ordinance, however, an unrelated family shall not include personal living together in a residential care home or nursing home. Additionally, 222 shall be amended by adding between “(BG) Sleeping Unit” and “strict liability offense” the following: Smoke Detector – “Approved smoke detector or ‘detector’ means a smoke detector of the ionization or photoelectric type, which complies with all the requirements of the rules and regulations of the State Fire Marshal”.~~

(jh) 301.2 by adding “or person in control” following the word “owner” in the first sentence.

(ki) 302.1 by adding the word “owner or” following the word “the” in the second sentence and deleting the words “that part of” and “~~which that~~ such occupant occupies or controls”.

(lj) 302.2 by removing the period at the end of the sentence and adding “and to prevent water damage to the foundation of the structure located thereon”.

(mk) 302.5 by adding “The owner of any residential or nonresidential structure shall be responsible for the extermination of any insects or rats, or other pests throughout the structure and on the exterior of the property. Exception: The

occupant of a single family dwelling shall be responsible for the extermination of any insects, rats or other pests in the interior of the dwelling. If the single family dwelling is vacant, extermination shall be the responsibility of the owner.”

~~(d)~~ 304.3 by changing “4 inches” to “3 inches” and “(102mm)” to “(76mm)” in the last sentence.

~~(nm)~~ 304.5 by adding “so as to carry the safe design and operating dead and live loads” following the word “maintained” in the first sentence.

~~(on)~~ 304.6 by adding “fascias and soffits” following the word “walls” in the first sentence.

~~(o)~~ 304.6.1. Gutters and downspouts. All gutters and downspouts must be maintained in good repair, be properly anchored and connected, and be capable of performing the function for which they are intended, or be removed.

~~(pe)(p)~~ 304.7 by adding the word “may” following the word “that” in the first sentence.

~~(qp)~~ 304.7 by adding “properly anchored and connected” after the word repair, and “or removed” after the word obstructions in the next to last sentence.

~~(rq)~~ 304.14 by deleting the words “During the period from (Date) to (Date)” in the first sentence and deleting the “Exception” section.

~~(sf)~~ 304.18.1 by deleting the words “that is rented, leased or let” following the word “unit” in the first sentence.

~~(ts)~~ 304.18.2 by deleting the words “that is rented, leased or let” following the words “housekeeping unit”.

~~(ut)~~ 304.18.3 by deleting the words “rented, leased or let” following the word “housekeeping unit” and adding the words “and maintained to prevent the entrance of rats, rain and surface drainage water” at the end of the sentence.

~~(vu)~~ 305.2 by adding the words “free of deterioration” following the words “structurally sound”.

~~(wv)~~ 305.3 by adding “Bathrooms and toilet rooms shall be provided with floors of moisture resistant materials, and every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be kept in a clean and sanitary condition” at the end of the paragraph.

~~(xw)~~ 305.4 by adding: And constructed so as to be safe to use and capable of supporting the anticipated loads and shall be free of deterioration. The maximum riser height for the steps shall be 9” and the minimum tread depth shall be 8” with variation not exceeding ¾” in the depth of adjacent treads or in the height of adjacent risers.

~~(yx)~~ 305.7 by adding: Lead-based paint. Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

~~(zy)~~ 3087.2.2 by deleting the words “without first removing the doors” following the word “premises”.

~~(aaz)~~ 3098.4 by deleting the last sentence of the paragraph “If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination”.

- (aa) ~~403.5 by deleting the words “in accordance with the manufacturer’s instructions” and replacing with “to the exterior of the structure” at the end of the sentence.~~
- (bb) ~~404.4.5 by adding the following “Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (7M 2) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (5m 2) of floor area for each occupant thereof.”~~
- (cc) ~~404.5.1 by adding the following: “Dwelling Units. Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant, and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.”~~
- (dd)(bb) 404.8 by adding the following: “Below Grade Rooms. Rooms partially or completely below grade shall not be used as habitable space unless (1) floors and walls are water-tight so as to prevent entry of moisture; (2) all habitable rooms shall be provided with aggregate glazing of not less than 8% of the floor area of such rooms; (3) where windows are provided as a means of egress or rescue, the windows shall have the bottom of the clear opening not more than 44” above the floor; (4) the minimum net clear opening for the below grade room windows to be used for egress or rescue shall be 5 square feet; and, (5) means of egress and emergency escape are provided in accordance with this code.
- ~~ee501.3 by adding the following Definitions: The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein. Bathroom: A room containing plumbing fixtures including a bathtub and/or shower, water closet and/or urinal. Plumbing: The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code. Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges waste water, liquid borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises. Toilet room: A room containing a water closet or urinal but not a bathtub or shower.~~
- (ee) (cc) 502.5 by replacing International Plumbing Code with Illinois Plumbing Code in the first sentence.
- (ff) (dd)505.1 by replacing the International Plumbing Code with the Illinois Plumbing Code in the last sentence.
- (gg) (ee)602.2 by deleting the words “Appendix D of the International Plumbing Code” and replacing with the words “the Illinois Plumbing Code” following the words “indicated in”.
- (hh) (ff)602.3 by deleting the words “during he period from (Date) to (Date)” following the words “shall supply heat” and, in the last sentence of number 1 under Exceptions, by deleting the words “Appendix D of the International Plumbing Code” and replacing with the words “the Illinois Plumbing Code”.
- (ii) (gg)602.4 by deleting the words “during the period from (Date) to (Date) following the word “heat”.

~~(jj)~~ ~~(hh)~~604.2 by replacing "ICC" with "National" in the first sentence and by adding "~~(NEC) as adopted by the City of Decatur~~" at the end of the first sentence. "NFPA 70" with "National Electrical Code (NEC) as adopted by the City of Decatur."

~~(kk)~~ ~~(ii)~~605.1 by adding "as per the National Electrical Code, as adopted by the City of Decatur" at the end of the sentence.

~~(ll)~~ ~~(jj)~~605.3 by adding "controlled by a wall switch" ~~at the end of the sentence~~ after the word luminaire in the first sentence.

~~(mm)~~ ~~(kk)~~702.5 – Number of Exits: In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits. Exception: A single exit is acceptable under any one of the following conditions: (1) where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas; (2) where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke proof enclosure or pressurized stairway; (3) where an existing fire escape conforming to the building code listed in Chapter 8 is provided in addition to the single exit; and (4) where permitted by the building code listed in Chapter 8.

~~(nn)~~ 702.6 ~~Stairways, handrails and guards: Every exterior and interior flight of stairs having more than four risers, and every open portion of a stair, landing or balcony which is more than 30 inches (762mm) above the floor or grade below shall have guards. Handrails shall not be less than 36 inches (762mm) nor more than 42 inches (1067mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches (762mm) high above the floor of the landing or balcony and shall have intermediate rails, balusters or other construction such that a sphere with a diameter of 6 inches cannot pass through any opening.~~

~~(oo)~~ 702.6.1. ~~Stairs and porches: Every stair, porch, fire escape, balcony and all appurtenances attached thereto shall be constructed so as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair, free of deterioration. The maximum riser height for steps shall be 9 inches and the minimum tread depth shall be 8 inches with variation not exceeding 3/4 inch in the depth of adjacent treads or in the height of adjacent risers.~~

~~(ll)~~ 704.2 – Smoke Detectors. (1) Every dwelling unit shall be equipped with at least one approved smoke detector in an operating condition within 15 feet of every room used for sleeping purposes. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 12 inches from the ceiling measured to the top of the detector. All smoke detectors shall be approved and listed and shall be installed in accordance with the manufacturers instructions. (2) Every single family residence shall have at least one approved smoke detector installed on every story of the dwelling unit, including basements but not including unoccupied attics. In dwelling units with split levels, a smoke

detector installed on the upper level shall suffice for the adjacent lower level if the lower level is less than one full story below the upper level; however, if there is an intervening door between the adjacent levels, a smoke detector shall be installed on each level. (3) Every structure which (i) contains more than one dwelling unit, or (ii) contains at least one dwelling unit and is a mixed-use structure, shall contain at least one approved smoke detector at the uppermost ceiling of each interior stairwell. The detector shall be installed on the ceiling, at least 6 inches from the wall, or on a wall located 6 to 12 inches from the ceiling, measure to the top of the detector.

(mm)704.2.2 Interconnection is now 704.3

~~(pp)~~ (nn)704.2.3 Power Source is now 704.4

~~(qq)~~—(oo)704.5 Carbon Monoxide Alarm Detectors. Definitions: (i) “Approved carbon monoxide alarm” or “alarm” means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association. (ii) Dwelling Unit. A room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed use building. (iii) Section 1. Carbon Monoxide Detector. (a) Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard. (b) Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes. (c) It is the responsibility of the owner of a structure to supply and install all required alarms. It is the responsibility of a tenant to test and to provide general maintenance for the alarms within the tenant’s dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies that the tenant cannot correct. The owner is responsible for providing one tenant per dwelling unit the written information regarding alarm testing and maintenance. The tenant is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant’s dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or the authorized agent of the owner. (d) The carbon monoxide alarms required may be either battery powered, plug-in with battery back-up, or wired into the structure’s AC power line with secondary battery back-up. Exemptions: The following residential units shall not require carbon monoxide detectors: (1) a residential unit in a building that: (i) does not rely on combustion of fossil fuel for heat, ventilation, or hot water; (ii) is not connected in any way to a garage; and (iii) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building official, to receive carbon monoxide from that source. (2) a residential unit that is

not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source, as determined by the local building official.

~~(ff)~~ ~~(pp)~~ ~~PM 8~~: Penalty. That no person, firm or corporation shall erect, construct, alter, extend, repair, remove, demolish, maintain, operate, use or occupy any structure or equipment regulated by the provisions of this chapter or of the Code adopted hereby, or by the rules or directives promulgated or notices issued thereunder, or cause the same to be done, contrary to or in conflict with or in violation of any of said provisions, rules, directive or notices, and any person, firm or corporation violating or found to be in violation thereof shall upon conviction be ~~fin~~not less than One Hundred Fifty Dollars (\$150.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense

(Amended, Ordinance No. 2007-21, April 2, 2007)

~~(ss) 107.2 by removing subparagraph 6. (Amended, Ordinance No. 2008-05)~~

~~(tt) 107.3 by adding the words "or the address listed in the Macon County Tax Assessor's Office for receipt of the property tax bill for the property" before the semi colon in section 107.3(2). (Amended, Ordinance No. 2008-05)~~

8. **PENALTY.** (A) That no person, firm or corporation shall erect, construct, alter, extend, repair, remove, demolish, maintain, operate, use or occupy any structure or equipment regulated by the provisions of this Chapter or of the Code adopted hereby, or by the rules or directives promulgated or notices issued thereunder, or cause the same to be done, contrary to or in conflict with or in violation of any of said provisions, rules, directives or notices, and, except as provided in subsections (B) and (C) hereof, any person, firm or corporation violating or found to be in violation thereof shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

(B) When a person, firm or corporation is cited for a violation of any of the provisions of this chapter, or of the Code adopted hereby or the rules or directives promulgated or notices

issued hereunder, as provided in subsection (A) hereof, which violation occurred within twelve (12) months of a prior violation of any of the provisions of this Chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, and such violation is separately brought and arises out of a different series of acts or omissions, such person, firm or corporation shall be fined not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense and each day a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

(C) When a person, firm or corporation is cited for a violation of any of the provisions of this chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, as provided in subsection (A) hereof, which violation occurred within twelve (12) months of any two (2) prior violations of any of the provisions of this Chapter, or of the Code adopted hereby, or the rules or directives promulgated or notices issued hereunder, which prior violations each arose out of a different series of acts or omissions, and such present violation is separately brought and arises out of a different series of acts or omissions from either of the prior violations, such person, firm or corporation shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense and each day a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

9. **OTHER REMEDIES.** The imposition of the penalties herein prescribed shall not preclude the institution of appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to stop an illegal act, the conduct of business or the operation of mechanical equipment or systems in or about any premises.

10. **SEVERABILITY.** The provisions hereof are, and shall be construed to be severable and invalidity of any section or provision of this Chapter, or of the codes and standards hereby adopted, shall not invalidate other sections or provisions hereof.

11. **RULES AND REGULATIONS.** In order to cause the purpose, intent and provisions of this Chapter and the Code adopted thereby to be carried out and administered, and to facilitate the same, the City Manager be, and he is hereby, authorized to cause directives, interpretations and rules, not in conflict with said provisions, to be promulgated and enforced.

City Clerk

DATE: 10/29/2018

MEMO: 2018-41

TO: Honorable Mayor Julie Moore Wolfe and City Council Members

FROM: Billy Tyus, Interim City Manager
Kim Althoff, City Clerk

SUBJECT: Resolution Approving Reappointments - Decatur Metropolitan Exposition Auditorium and Office Building Authority (Civic Center Board Authority)

SUMMARY RECOMMENDATION: Council is asked to pass the proposed Resolution approving the reappointments of Jerry Bauer, Mike Sotiroff and Pat Murphy to the Decatur Metropolitan Exposition Auditorium and Office Building Authority (Civic Center Board Authority).

ATTACHMENTS:

Description	Type
Resolution	Resolution Letter

TO THE COUNCIL OF THE CITY
OF DECATUR, ILLINOIS:

Consent of the Council is hereby requested for the reappointments by the Mayor of the following named as members of the boards or commissions set opposite their respective names, to serve terms expiring upon the dates set opposite their respective names or until their respective successors are appointed and qualified:

Jerry Bauer	Decatur Metropolitan Exposition Auditorium and Office Building Authority (Civic Center Board Authority)	10/27/2021
Mike Sotiroff	Decatur Metropolitan Exposition Auditorium and Office Building Authority (Civic Center Board Authority)	10/27/2021
Pat Murphy	Decatur Metropolitan Exposition Auditorium and Office Building Authority (Civic Center Board Authority)	10/27/2021

DATED this 5th day of November, 2018.

Julie Moore Wolfe, Mayor

RESOLUTION NO. R_____

RESOLUTION APPROVING REAPPOINTMENTS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That consent of the Council be, and it is hereby, given to the reappointments by the Mayor of the persons aforesaid as by said Mayor requested, which said request be, and it is hereby, received, placed on file and approved.

PRESENTED AND ADOPTED this 5th day of November, 2018.

Julie Moore Wolfe, Mayor

ATTEST:

City Clerk

TO THE COUNCIL OF THE CITY
OF DECATUR, ILLINOIS:

Having received your consent, I hereby appoint those named in the foregoing request by you approved as therein requested.

DATED this 5th day of November, 2018.

Julie Moore Wolfe, Mayor

MINTUES OF THE MEETING
OF THE
TRAFFIC AND PARKING COMMISSION

Thursday, October 25, 2018 4:00 p.m.
City Council Chambers
Third Floor, Civic Center

A. The October 25, 2018, meeting of the Traffic and Parking Commission was called to order at 4:09 p.m. in the City Council Chambers, Third Floor, Decatur Civic Center, by Acting Chairman, Jared Broderick.

B. Roll Called by Acting Chairman, Jared Broderick:

	Citizen Members	Attendance	Term Expires		Staff Members	Attendance
X	Jared Broderick	7/8	4/4/2019	X	Ed Hurst Police	9/9
				X	Dan Kline, Fire	1/1
				X	Paul Caswell, Engineering	1/1
				X	Joselyn Stewart, Planning	28/30

C. Reviewed Agenda. Ed Hurst motioned to approve the agenda; seconded by Dan Kline and on call of the roll, Commission Members Broderick, Caswell, Hurst, Kline and Stewart voted aye. The Chairman declared the motion carried.

D. Old Business. None.

NEW BUSINESS

Item #1 Request for stop signs at the intersection of North Gulick Avenue and West Center Street facing West Center Street.

Griffin Enyart presented the case of a request made from a resident for stop signs at the intersection of North Gulick Avenue and West Center Street. Upon reviewing the accident records at this intersection, three accidents have occurred within the last three years involving vehicles not yielding the right-of-way to other vehicles in the intersection. These types of accidents may be corrected by the use of stop signs to inform motorists of who has the right-of-way. Traffic volume is low at this intersection, with around 541 vehicles traveling through this intersection on a weekday. Within the last three years, there has been an average of 5.06 accidents for every million vehicles entering this intersection. For reference, the Traffic & Parking Commission has used 1.5 accidents per million vehicles as a threshold for requiring stop signs at uncontrolled intersections.

City staff recommends installing two stop signs at the intersection of North Gulick Avenue and West Center Street with the stop signs facing West Center Street. The lower volumes and lower speeds of traffic on West Center Street indicates it is the minor street which should stop for North Gulick Avenue, the major street.

Ed Hurst motioned to move forward with installing two stop signs at the intersection of North Gulick Avenue and West Center Street with the stop signs facing West Center Street. Seconded by Dan Kline, and on call of the roll, Commission Members Broderick, Caswell, Hurst, Kline and Stewart voted aye. The chairman declared the motion carried.

E. Other Business. None

F. Appearance of Citizens. None

Ed Hurst motioned to adjourn the meeting; seconded by Dan Kline, and on call of the roll, Commission Members Broderick, Caswell, Hurst, Kline and Stewart voted aye. The Chairman declared the motion carried.

Meeting adjourned at 4:14 p.m.

Certification

I, Matthew Newell, Secretary of the Traffic & Parking Commission, do hereby certify that the foregoing is a true and correct copy of the minutes of the Traffic and Parking Commission meeting of October 25, 2018.



Matthew Newell, P.E.
Secretary
Traffic and Parking Commission

ATTACHMENTS:

Description	Type
Lake Decatur Watershed - 3rd Quarter Report	Backup Material

TO: Honorable Mayor, Julie Moore Wolfe
FROM: Natalie Misner, SWCD
DATE: October 15, 2018
SUBJECT: 3rd Quarter Report
PERIOD: July 1, 2018 – September 30, 2018

City of Decatur Lake Decatur Watershed Protection Program



Better Reflections through Soil Conservation

CC: Councilman Bill Faber
Councilman David Horn
Councilman Chuck Kuhle
Councilwoman Lisa Gregory
Councilman Pat McDaniel
Councilwoman Dana Ray
Mr. Billy Tyus, City Manager
Mr. Matt Newell, Public Works Director
Mr. Keith Alexander, Water Production Manager

Macon County Soil and Water Conservation District

July 1, 2018 – September 30, 2018

3rd Quarter Report on the Lake Decatur Watershed Protection Program

Change in District Staff

Watershed Specialist Cassandra Wilcoxon left her position on September 26th and Natalie Misner began as the Watershed Specialist on September 19th.

Watershed Conservation Cost-Share Projects

Projects built and/or paid for this quarter:

- 1 urban stream stabilization project in Piatt County

The following projects have been approved for funding, and are awaiting implementation:

- 1 waterway in Long Creek East Township
- 1 waterway in Long Creek East Township
- 1 sediment basin in Oakley Township
- 1 waterway in Friends Creek Township
- 1 sediment basin in Piatt County
- 1 waterway in Milan Township
- 1 waterway in Long Creek Township

Interest in the program remains strong; all funds for BMP Implementation in FY18 were allocated at our March board meeting. With strong coordination, information, and education with the Piatt County SWCD and both NRCS offices, the LDWP is well known by producers in the watershed.

Watershed Activities

MS4 Agreement:

The City of Decatur, the Villages of Forsyth and Mt. Zion, and Macon County joined together and signed a Memorandum of Understanding (MOU) with the SWCD to implement stormwater management on behalf of the MS4s. This allows for a consistently applied set of standards regarding Best Management Practices (BMPs), construction site inspections for the Land Disturbance Permit program, and inspection of detention basins. This quarter, 14 land disturbance permits were taken out with 9 within the Lake's watershed.

Technical Assistance:

The Watershed Staff is available to answer erosion and flooding complaints in the City of Decatur and the watershed. In the past quarter, staff fielded 15 requests for assistance. Questions ranged from design and guidance on sediment basins to shoreline stabilization.

Illinois EPA (IEPA) Construction Site Inspection Program:

Currently, there are **12** active construction sites with IEPA NPDES permits, **4** within the Lake Decatur Watershed in Macon County. The SWCD provides educational assistance to the site owners, making sure erosion and sediment controls are installed and functional at each site.

Grants

USDA's Regional Conservation Partnership Program:

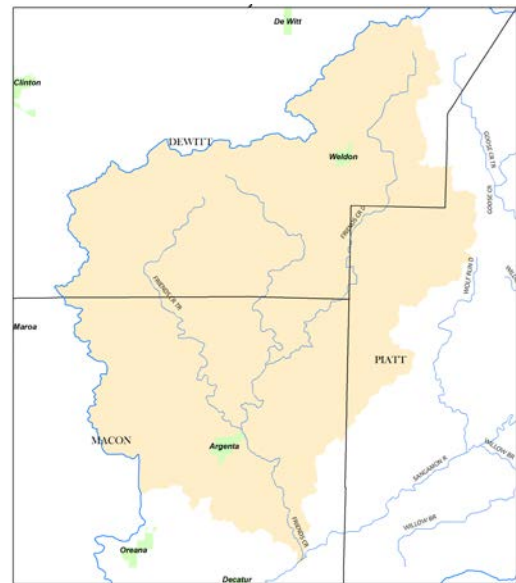
On January 15, 2015, the USDA awarded Macon County **\$500,000** of NRCS funding for "BMP Implementation for Nutrient and Sediment Loss Reduction in Macon County, Illinois," for **conservation in the Sangamon River Watershed through 2019**. For FY18, **\$130,094 was allocated for 519 acres**. Applications are currently being accepted by FY19.

IEPA 319 Grant: Friends Creek Watershed Planning

Over the next two years, SWCD staff will work with stakeholders to develop a watershed-based plan for Friends Creek, a sub-watershed of Lake Decatur. IEPA funds will be used to assist in the planning process, wherein stakeholders will be engaged to develop priorities, locate potential sites for improvement, and model what effects implementing said practices would have in the watershed and Lake Decatur.

Having an approved watershed-based plan will increase the likelihood of receiving future federal funds to implement practices noted in the plan.

Work continues! A stakeholder meeting was held on **September 19th at the Argenta Village Hall at 6pm** to go over agricultural and urban Best Management Practices (BMPs) that could be used in the Friends Creek watershed to address sediment and nutrient loss and water quality issues. The next scheduled stakeholder meeting is scheduled for November 8th.



IEPA 319 Grant: Big & Long Implementation Grant

The Macon County SWCD received a \$205,083.00 implementation grant for the Big & Long Subwatersheds. In 2015 a TMDL Implementation Plan was written by the Agricultural Watershed Institute and Northwater Consulting.

Public Education Programs

Education is provided to the general public, including adults and children, on soil and water conservation issues, careers in conservation, stormwater management, and erosion and sediment control. In addition to the watershed staff itself, board members and SWCD staff provide time and energy in these efforts. Our watershed technician is currently working with Garfield Montessori School to install a rain garden on school grounds. Final plant selection is being considered and construction will commence in the FY18. This year, the following education programs were held:

<i>Date</i>	<i>Name of Event</i>	<i>Program Presented</i>	<i>People in Attendance</i>
1-11-2018	Lady Landowners	Women in Agriculture	28
2-14-2018	Contractors Meeting	Pipeline Awareness & Safety	17
3-1-2018	Annual SWCD Meeting	Cover Crops-Mike Ward	30
3/10&11/17	Decatur Lawn & Garden Show	MS4 Work, Rain gardens	1000+
4/21/2018	Festival of Spring	Rain Gardens/ Composting/Fertilizers/Environscape	200
5/1-3/2018	Agucation	Conservation Jeopardy	600
5/7-9/2018	Birding in cover crops	Grassland Bird Id Workshop & field day in cover crop fields. How cover crops can benefit grassland bird species	14
5/10/2018	Lady Landowners	Cover Crop Management	32
6/13/2018	Friends Creek Watershed Management Meeting	Streambank survey results, transect survey results, nutrient modeling results, riparian survey results	17
7/12/2018	Lady Landowners	Tour of ADM	30
7/12/2018	Strip Till Field Day	Mechanics of Strip Till & demonstrations	90
7/31/2018	Habitat Conservation Connection	Connections between wildlife habitat and in-field agriculture conservation	32
8/30/2018	Pond Demo	Plant & Fish ID, Pond Maintenance	60
9/19/2018	Friends Creek Watershed Management Meeting	Agricultural and Urban BMPs	11
9/20/2018	Lady Landowners	Tour of IDOA	54
<i>Total Reached in FY18</i>			<i>2,215</i>

Besides the programs themselves, the SWCD staff serves in the following capacity throughout the year:

- Assist Macon County Lady Landowners by maintaining their membership list and assisting with meeting notification
- Participate in the Heart of the Sangamon River Ecosystem Partnership meetings

Closing Comments

We have included the financial report for the quarter ending September 30, 2018 with this report. If you would like more detailed financial information, you may request a copy of our CPA completed annual audit which we submit to the Illinois Department of Agriculture.

The staff and Board of Directors of the District thank the City for its continued support of our conservation efforts within the Lake Decatur Watershed. We truly could not accomplish what we do without your support, both financial and institutional. We would like to invite members of the

City Council to visit us at the USDA Service Center at 3342 N President Howard Brown Blvd, Decatur, Illinois 62521. We also can arrange personal tours of our watershed projects. If you have any questions, please call us at 217-877-5670, extension 3, or contact us by email at natalie@maconcountyswcd.com.

Board of Directors

David Carr, Chairman
Eric Veech, Vice Chairman
Katie Sellmeyer, Secretary / Treasurer
Chase Brown, Director
Ross Ferrill, Director

Staff

Manny Wei, Watershed Technician
Natalie Misner, Watershed Specialist
Angela Binnion, Administrative Coordinator

FINANCIAL STATEMENT						
Lake Decatur Watershed Protection Program						
	City Allocation for MCSWCD Vendor # 796					
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	12/31/2018	
	January 1 - March 31, 2018	April 1 - June 30, 2018	July 1- September 30, 2018	October 1 - December 31, 2018	Total Invoiced to City	
Operational Expenses	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	FY ending 12/31/2018	Percent of Contract \$
Salary Watershed Technician	14,615.00	\$ 9,052.50	\$ 9,480.00		\$ 33,147.50	22%
Salary Watershed Specialist	6,962.03	\$ 7,788.26	\$ 9,837.41		\$ 24,587.70	16%
1/3 Salary Administrative Coordinator	3,496.50	\$ 2,947.50	3,150.00		\$ 9,594.00	6%
Payroll taxes	4,044.88	\$ 3,557.33	\$ 2,208.87		\$ 9,811.08	6%
Benefits	1,394.78	\$ 1,200.00	\$ 965.09		\$ 3,559.87	2%
BMP Implementation					\$ 9,434.28	
Meetings and Training	97.38	\$ 375.95			\$ 473.33	0%
Professional fees	460.81	\$ 121.15	\$ 166.79		\$ 748.75	0%
Insurance		\$ 2,313.68	\$ 484.84		\$ 2,798.52	2%
Outreach	239.18	\$ 475.14	\$ 662.11		\$ 1,376.43	1%
Education		\$ 16.11	\$ 179.46		\$ 195.57	0%
Internet	37.95	\$ 37.95	\$ 25.30		\$ 101.20	0%
Truck/ Insurance	202.90	\$ 95.03	\$ 304.64		\$ 602.57	0%
Office Equipment	99.88				\$ 99.88	0%
Office Expenses	144.82	\$ 197.24	\$ 274.45		\$ 616.51	0%
Postage	78.57	\$ 52.60	\$ 52.60		\$ 183.77	0%
Total Expenses	31,874.68	\$ 28,230.44	\$ 27,791.56		\$ 87,896.68	58%
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	YTD 2018	
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	Total Invoiced to City	Percentage Complete
Agreement Amount	\$ 151,969.00	\$ 120,094.32	91,863.88			
Total Invoiced to City	\$ 31,874.68	\$ 28,230.44	\$ 27,791.56		\$ 87,896.68	59%
Agreement Balance	\$ 120,094.32	\$ 91,863.88	\$ 64,072.32			

ATTACHMENTS:

Description

AWI Progress Report

Type

Backup Material



Progress Report to City of Decatur

Period Covered: April – September 2018

This report summarizes activities and progress during this period under the agreement between the Agricultural Watershed Institute (AWI) and the City of Decatur to encourage, promote and establish good soil and water conservation practices in the Lake Decatur watershed.

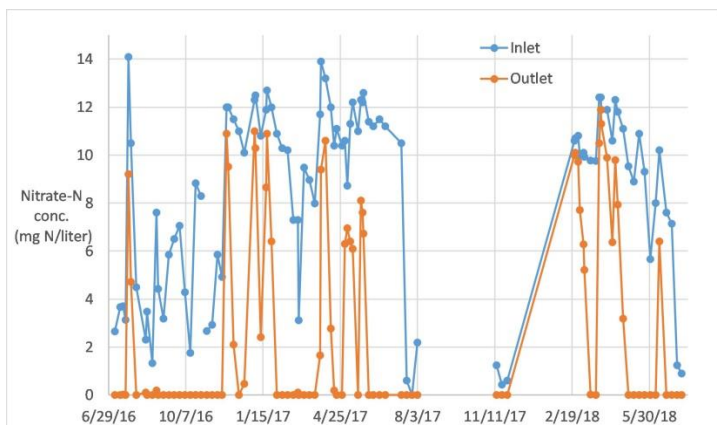
Sediment and nutrient reduction / TMDL implementation:

The **Total Maximum Daily Load (TMDL) implementation plans** completed by AWI for the Big Creek/Long Creek watershed located east of Decatur in Macon County and the Big Ditch watershed near Rantoul in Champaign County continue to guide activities by AWI and partners to reduce sediment and nutrient loads impacting Lake Decatur.

AWI continues to work with Macon County SWCD, NRCS, and other partners to implement the USDA **Regional Conservation Partnership Program (RCPP)** project to provide federal funding for on-farm conservation practices. AWI's role focuses on three edge-of-field practices: **bioreactors, saturated buffers, and drainage water management (DWM)**. During this reporting period, Tim McMahon of AWI regularly sampled a **bioreactor** located north of Argenta and delivered samples to Decatur Sanitary District and Decatur Water Department labs for nitrate testing. Dr. Greg McIsaac of AWI prepared a report analyzing the bioreactor performance. AWI also continued to work with Dr. Laura Christianson of U of I to assess performance of a **saturated buffer** north of Cisco and **DWM** system south of Argenta.



RCPP denitrifying woodchip bioreactor north of Argenta in Friends Creek subwatershed.



Concentrations of nitrate-N at the bioreactor inlet (blue) and outlet (orange). [from McIsaac report, Sep 2018]

AWI advises Richland Community College staff on a research/education project with cover crops and a bioreactor. Greg spoke at a bioreactor tour hosted by The Nature Conservancy.

The 2018 City—AWI agreement includes Prairie STRIPS (Science-Based Trials of Row crops Integrated with Prairie Strips) as a new Best Management Practice (BMP). This practice, developed by Iowa State University researchers, is gaining popularity in Iowa but has not yet been actively promoted in Illinois. During this period, we contacted an Iowa State colleague about holding a STRIPS workshop and included the concept in the INFEWS focus group discussions. (See next section.) A workshop is tentatively expected to be held in early 2019.

Water resources planning and management:

As ongoing activities during this period, AWI staff participated in meetings and other activities of watershed stakeholder groups and related groups including:

- Heart of the Sangamon Ecosystem Partnership (Steve John and Tim McMahon)
- Oakley Township Sediment Basin Advisory Committee (Tim)
- Macon County Community Environmental Council board (Steve)
- Friends of Lincoln Trail Homestead State Park (Steve)
- Green Lands Blue Waters steering committee and Watershed Initiative committee (Steve)
- Sangamon River Alliance core group (Steve) (See Shared Learning Program section.)
- Friends Creek Watershed Planning Committee convened by Macon County SWCD (Tim)

During this period, Steve attended the first meeting of a new ad hoc “conservation caucus” group consisting of conservation-related nonprofits. This new group is expected to meet mainly by conference call for the purpose of providing input to Illinois EPA and Department of Agriculture for implementation of the Illinois Nutrient Loss reduction Strategy (INLRS).

AWI continues to assist the City to manage prairie grasses and forbs planted in dredged sediment at the City’s **Corley Landfill** site near the Lake Decatur dam. During this period, Tim sprayed to control teasel (an invasive weed) along the borders of the prairie planting and cut and sprayed sapplings to prevent damage to farm equipment during mowing. Tim worked with a local farmer to bale the prairie plants as a first trial of hay production at this site. Tim also controls weeds and arranged for another farmer to harvest prairie hay at the **AWI—Caterpillar prairie plots**. Both of these



farmers participated in the INFEWS focus groups (see below) and said their experience with feeding prairie hay to their cattle has been quite positive. *Note: This photo of a big round bale on the Cat plot was taken several years ago. It illustrates harvesting of prairie vegetation for forage or bedding. Many deep-rooted perennial grasses can tolerate wetness or drought conditions, reduce sediment and nutrient loss, and enhance soil health and wildlife habitat.*

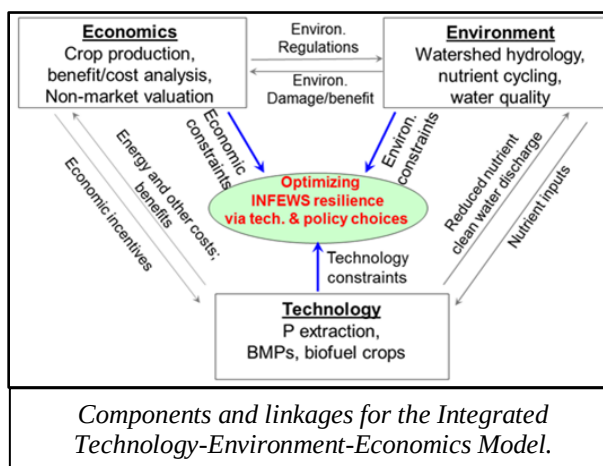
AWI collaborates with U of I scientists on the following projects to enhance water quality and ecological and economic performance of agriculture in the Lake Decatur watershed. Project activity this period included:

Multifunctional Perennial Cropping Systems (MPCs) for introducing local food and biomass production for small farmers in the Upper Sangamon River Watershed – USDA grant, Project Director Dr. Sarah Taylor Lovell, UIUC Dept. of Crop Sciences. A woody perennial polyculture plot was added to the AWI—UIUC small plots for the 2017 Farm Progress Show. During this period, AWI worked with Dr. Lovell to manage this agroforestry plot and plant Kernza perennial grain in preparation for the 2019 Show.

Intensively Managed Landscapes Critical Zone Observatory – National Science Foundation (NSF) grant, Lead Principal Investigator Dr. Praveen Kumar, UIUC Dept. of Civil and Environmental Engineering (CEE). Greg continues to confer with the CZO project team on monitoring and modeling of land use and water quality in the Upper Sangamon watershed. This activity is related to the INFEWS project.

Innovations at the Nexus of Food, Energy, and Water Systems (INFEWS) – NSF grant, Lead Principal Investigator Dr. Ximing Cai, UIUC CEE Department. The UIUC project is titled **Advancing FEW [food-energy-water] system resilience in Corn Belt watersheds using integrated technology-environment-economics modeling (ITEEM) of nutrient cycling**. The Upper Sangamon watershed is the main testbed site to study innovative approaches to reduce and recover nutrients in agricultural watersheds and grain processing facilities. Year 1 of this 4-year project ended September 30, 2018. During this period, significant AWI effort by Steve, Greg, and Tim was devoted to this project including the following activities:

- Attend monthly INFEWS team meetings.
- Apr 11-12: Participated & helped lead a FEW symposium (part of UIUC's 150th anniversary) and the INFEWS project annual workshop – Greg & Steve.
- May 10: Arranged for INFEWS team to attend Heart of the Sangamon Ecosystem Partnership meeting to give presentations about the project.
- June: Steve prepared memo on perennial crop scenarios for INFEWS watersheds.
- Aug 21 & 23: INFEWS stakeholder focus group sessions in Decatur. Much effort, mainly by Tim, went into recruiting farmers to participate and arranging logistics with UIUC economics professor Ben Gramig. Tim and Steve helped to plan the sessions, attended both sessions, took notes, and met with Dr. Gramig afterward to debrief.
- Greg works with INFEWS PIs & students to develop the ITEEM model and calibrate with Upper Sangamon data. He arranged for a USDA scientist to tour the Cisco saturated buffer with AWI and meet with UIUC about adding this BMP to the SWAT water quality model.



Three promising new areas for collaboration with local governmental and educational agencies related to water resources planning and management in the Lake Decatur watershed arose during this reporting period:

- Steve accepted an invitation to serve on the Community Advisory Committee for the new **Duane Andreas Ag Academy** established by the **Decatur Public Schools Foundation**. He attended the kick-off event on June 5.
- **Richland Community College** is taking steps to strengthen its agriculture program and expand research and education activities for ag innovation. Steve met with RCC President Dr. Cris Valdez and Sequestration Program Director Dr. David Larrick about potential areas for AWI—RCC collaboration. The college has hired Jess Smithers as its Director of Agriculture. Steve speaks each semester to Dr. Larrick’s environmental biology class, including in April 2018. RCC is one of nine community colleges in eight Midwestern states that comprise the **Community College Alliance for Agriculture Advancement**. This year, RCC hosted the annual C2A3 meeting. Steve was invited to speak to the group on the topic of Perennial Biomass Crops for Multifunctional Agriculture. As noted above, AWI advises RCC on a bioreactor / cover crop project.
- Steve and Tim met twice with the Macon County Environmental Management Department staff to provide input on concepts that may be demonstrated at the **proposed Recycling Center and Compost Facility site**. Ideas discussed include Prairie cordgrass and other native perennials grown for hay or bioenergy, soil carbon sequestration, habitat, and water quality enhancement. The new concept of “Agrivoltaics”, in which perennial crops are grown in the alleys of a solar array, is also a possibility for the site.

Perennial crops:

The **harvestable saturated hillslopes** proposed in a Section 319 grant application submitted to Illinois EPA plus two other innovative concept for perennial crops and drainage modifications to reduce sediment and nutrient loss were included in AWI’s Big/Long Creek TMDL Implementation Plan. That plan was improved by both IEPA and USEPA. During this period, AWI was notified that this 319 application was not funded. Steve spoke with Amy Walkenbach of IEPA and was advised that, since the three concepts are not currently covered by NRCS practice standards, we are not likely to receive Section 319 funding for them. In effect, the message is that we need to seek funding from grants designed for research or demonstration of new concepts. We have begun conferring with UIUC colleagues about possible collaboration on proposals to appropriate grant sources.

During this period, Steve attended the **annual One Water Summit** organized by the U.S. Water Alliance. The 2018 Summit was held in Minneapolis and Steve attended as a member of the Green Lands Blue Waters delegation which focused on agricultural uses and environmental benefits of perennial crops. Steve planned and facilitated the first conference call for the multi-state Perennial Biomass Initiative. He also spoke about perennial crops for multiple benefits including soil conservation and water quality at the annual Illinois Renewable Energy Fair and at a UIUC Civil and Environmental Engineering Department seminar in September. As noted above, the INFEWS scope includes evaluating perennial crops scenarios for water quality.

Shared Learning Program:



On August 9, AWI hosted a Shared Learning Program presentation on **Kernza® perennial grain** by Fred Iutzi, AWI Board member and president of The Land Institute (TLI) in Salina, Kansas. Kernza intermediate wheatgrass developed by TLI plant breeders is the first perennial grain crop to begin the process of commercialization. This involves simultaneously ramping up production on working farms (as opposed to research plots) and markets to use the wheat-like grain for baked goods, beer, etc. In addition to grain production, Kernza is also a good forage crop. Several farmers have already planted Kernza in the Decatur area. This Shared Learning event led to Steve meeting with key people from a local grain company and a large farmland management company about potential for Kernza to become a significant crop in Central Illinois. AWI is especially interested in Kernza because, like other deep-rooted perennials, it can provide water, soil and ecological benefits in addition to grain and forage production.

The main event organized by AWI for urban and rural watershed residents and stakeholders is the annual **Sangamon Watershed Celebration**. The 2018 Celebration will be held on November 10 in Richland Community College's National Sequestration Education Center. The event is organized jointly by AWI and the Sangamon River Alliance, which includes river and watershed groups from throughout the Sangamon River watershed. During this period, Steve and the planning committee met several times. The City of Decatur is listed as a co-sponsor along with Richland, Decatur Audubon Society, and other organizations. The flier for this all-day event is on the following page.

AWI is planning other Shared Learning Program events. It is likely that some or all of these will be held in 2019:

- **Agro-forestry:** As noted above, Dr. Sarah Lovell of UIUC works with students and landowners to study and demonstrate multifunctional perennial cropping systems involving food-producing trees and shrubs in the Upper Sangamon Watershed.
- **Prairie STRIPS:** In conjunction with the INFEWS project, AWI plans to have scientists from Iowa introduce this concept at a workshop for Decatur-area farmers and landowners.
- **Center for Advanced Bioenergy and Bioproducts Innovation:** AWI Director Dr. Madhu Khanna is the Sustainability Theme Leader for this major new research center at UIUC.

Sangamon Watershed Celebration

Sat. Nov. 10, 2018

Richland Community College, Decatur IL

National Sequestration Education Center

9am - noon
Free
Family Friendly
Activities and Displays
for Children
and
people of all ages

12 noon
lunch for purchase

Afternoon Sessions
12:45 - Welcome
1:00 - 5:00pm
Concurrent Sessions
Conservation
Recreation
History

Evening Program
5:00 Reception
5:30 Dinner—\$15
6:15 Keynote Speaker
Documentary Film
"The Sangamon River:
A Sense of Place"
Led by
Charlie Schweighauser
UIS Professor Emeritus

Register at
www.agwatershed.org
or call
217-877-5640

Presented by
Agricultural Watershed Institute
and Sangamon River Alliance

Further Information
www.agwatershed.org

217-877-5640

Co-sponsors include:

Richland Community College - Decatur Audubon Society - Community Environmental Council -
City of Decatur - University of Illinois Extension - Friends of Lincoln Trail Homestead State Park

One River Unites Us All