

CHAPTER 30

STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY

Art. I	In General, Secs. 30-1--30	43
Art. II	Excavations, Secs. 30	44 30 57
Art. III	Moving Building, Secs. 30	58 30 86
	Div. 1. Generally, Secs. 30	58 30 70
	Div. 2. Permit, Secs. 30-71--30	86
Art. IV	Private Driveways, Secs.30	87 30 101
Art. V	Service Driveways, Secs. 30	102 30 120
Art. VI	Sidewalk Construction, Secs. 30	121 30 125

ARTICLE I. IN GENERAL

Cross References Authority for Superintendent of Environmental Services Utility to issue tickets and citations, Sec. 2 1; bond for Superintendent of Environmental Services Utility, Sec. 2 2; maintenance authority of Superintendent of Environmental Services Utility, Sec. 2 10; datum established in elevations for bridge of streets and sidewalks Sec. 2-14; consulting engineers, Sec. 2 84 et seq.; plan commission, Sec. 2 162 et seq.; Superintendent of Environmental Services Utility, Sec. 2 179; signs on sidewalks or terraces prohibited, Sec. 3 13; building and building regulations, Sec. 8 1 et seq.; transporting flammable and combustible liquids and LP gases over city streets, Sec. 14 5; burning weeds, leaves or other material on streets and sidewalks, etc. prohibited, 14 63 (4); littering prohibited, Sec. 16 21; sweeping from commercial establishments or from sidewalks into the gutter prohibited, Sec. 16 22; deposit of grass and rubbish prohibited in public streets, Sec. 16 23; obstructing water passage in streets. 22 25; destructing or defacing public property, Sec. 22 26; injuring or removing vegetation, fences, signs, on public property, Sec. 22 27; changing, removing, etc. cornerstones, stakes, etc. prohibited Sec. 22 29; mobile homes and mobile home parks, Sec. 23 1; water, filth, and unclean liquids in streets declared nuisance, Sec. 24 8; railroad crossings, Sec. 28 2; street obstruction by railroad, Sec. 28 3; mobile homes and mobile home parks, Sec. 23 1; subdivisions, Sec. 30 1 et seq.; traffic and vehicles, Sec. 32 1 et seq.; water and sewers, 31 1 et seq.; unauthorized turning on or tampering with fire hydrants, Sec. 34 2.

Sec. 30 01. Certain ordinances relating to streets not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed as repealing or otherwise affecting the validity of any ordinance:

- (1) Dedicating, accepting, naming, establishing, locating, relocating, opening, paving, widening, improving or vacating any street, sidewalk, alley, park or other public ground;
- (2) Establishing or prescribing grades for streets in the city and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Sec. 30 02. Obstructions in streets/alleys generally.

It shall be unlawful for any person to cause, create, or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specifically authorized by ordinance, resolution, or the Superintendent of the Environmental Services Utility. No person shall encumber or obstruct any street, alley, or sidewalk with building or other materials, without a written permit from either the Superintendent of the Environmental Services Utility, City Engineer, or Code Enforcement Official. No person shall, except in case of necessity, obstruct more than one-third (1/3) of any street or alley or one-half (1/2) of any sidewalk. No such obstruction shall be permitted to continue in any case longer than may be necessary in the diligent erection of such building, or the prompt execution of the work. (Code

1965, Sec. 9 03; Ord. 11-32, 5/16/11)

Sec. 30 03. Permit for parades.

- (a) No group or person of more than ten (10) in number shall conduct a parade or march or a public demonstration, upon or along the streets or sidewalks of the City at any time of the day or night, without first obtaining a permit from the City Council, in writing for the same. Said permit shall designate upon what streets the parade or public demonstration may pass or be conducted and the nature and character of the procession. Application shall be made to the Chief of Police of the City of Kankakee, who in turn shall forward to the City Clerk for presentation to the City Council at its next regular meeting.
- (b) No permit shall be issued under this Section until the Applicant has provided proof of the following:
 - (i) Minimum of \$1,000,000.00 liability insurance for any damage, mishap or injuries that might occur during the parade or public demonstration.
 - (ii) Holding the City of Kankakee harmless for any loss suffered by the City as a result of said parade or public demonstration.
 - iii) Proof of adequate security for the persons conducting the parade or public demonstration.
 - (iv) The naming of a person residing within the City limits, who will act as a registered agent for such group.
- (c) If any parade or public demonstration hereunder is to be conducted upon property owned by a municipal corporation or other public body within the City, then no such permit shall be issued until the Applicant provides written permission from said municipality, municipal corporation or public body to conduct such parade or public demonstration. (Ord. No. 97-25, Sec. 30-3, 4-21-97)
- (d) A funeral, procession or parade containing twenty (20) or more persons or five (5) or more vehicles except the military forces of the United States or of this state, and the forces of the Police and Fire Departments shall occupy, march, or proceed along any street only in accordance with a permit issued by the Chief of Police. (Code 1965, Secs. 41 11, 51 55.)
- (e) Hours of restriction. It is unlawful for any group, organization, or any individual to conduct or participate in any march, assembly, meeting or gathering on roadway during peak traffic periods unless authorized by the City Council. Peak traffic periods are for the purposes of this article declared to be 7:30 a.m. to 9:00 a.m. in the forenoon, and from 4:30 p.m. to 6:00 p.m. in the afternoon, Monday through Friday, except for state and national holidays.

Cross Reference Disturbing funerals, Sec. 22-12; driving through funeral processions, Sec. 32 19.

State law reference Streets and public ways, Ill. Rev. Stat., Ch. 24, Sec. 11 80 1 et seq.

Sec. 30 03.1. Permit for use of sound amplification equipment.

No person shall use sound amplification equipment in, upon or along the streets or sidewalks of the City at any time of the day or night, without first obtaining from the Chief of Police a permit in writing for the same, which permit shall designate in what areas and the time that such equipment may be used. The Chief of Police shall be the official issuing said permits and he shall have power to issue or refuse to issue such permit, as he may deem for the best interests of the City. (Ord. No. 72 41, Sec. 1, 9 18 72)

Sec. 30 04. Games on streets and sidewalks.

No person shall engage in any game, sport or amusement, or exhibit any animal or machine, or do anything else in the streets, sidewalks, alleys or other public space, which will interfere with vehicles or persons on the streets, sidewalks, alleys or other public space. (Code 1965, Sec. 51 36).

Sec. 30 05. Use of coasters, roller skates and similar devices.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk and except upon streets set aside as play streets when and as authorized by ordinance. (Code 1965, Sec. 41.16)

Sec. 30-06. Bond required for builders blocking streets.

Any owner or agent of any real estate, or any contractor or builder, who may be about to commence the erection of any building or the alteration or improvement of any building in front of or abutting upon any street, and when the construction, alteration or improvement of any such building will interfere or be likely to interfere with the free passage through or over the street or sidewalk by reason of any excavation in or near the street or sidewalk or by placing in and upon the same of any building material shall, before commencing any such work, execute an indemnifying bond to the city in such reasonable sum, and with surety or sureties, as may be fixed by the Mayor, to answer and pay for all damages for any injury that may result to persons or property from any such interference with or obstruction of such street or sidewalk. The bond shall be conditioned to indemnify the City of Kankakee, all its employees and agents for any loss or damage resulting from work undertaken, manner of doing the same, or failure to complete the same. (Code 1965, Sec. 9-04)

Sec. 30 07. Building encroaching on street.

It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street, sidewalk, alley or other public property. The owner of any building or structure or enclosure extending into or encroaching upon any public street, sidewalk, alley, or other public property shall remove the same within thirty (30) days after being notified in writing to do so by the Superintendent of the Environmental Services Utility or the Code Enforcement Official. The City Council may direct the Chief of Police to take down and remove such obstruction or encroachment upon any street or alley, and the cost of expense of such taking down and removal may be collected by suit in the name of the City, against the person causing or erecting such encroachment. (Code 1965 Sec. 9-05)

Sec. 30 08. Trees overhanging streets.

The owner/owners of every lot or parcel of land in the City of Kankakee upon which any tree is now or may hereafter be growing shall trim or cause to be trimmed the branches thereof, so that the same shall not obstruct the free passage of persons or vehicles from any street, alley, or sidewalk in the City. The owner/owners shall trim all branches of any tree/trees now or hereafter growing on their premises which overhang any street, or alley, so that there shall be a clear height of 12-feet above the surface of the street, or alley unobstructed by branches, and a clear height of not less than 10-feet over any sidewalk, and shall remove from such tree or trees all dead, decayed or broken and/or hazardous limbs or branches that overhang such streets, alleys, or sidewalks, and, when any of such trees are dead and/or hazardous, shall remove the same so that they shall not fall into the street, alley, or sidewalk. The Superintendent of the Environmental Services Utility or Code Enforcement Official shall notify such owner or occupant in writing to trim such tree within the time and in the manner specified in the notice. If any person so notified shall neglect to comply with such notice the Superintendent shall cause such trees to be trimmed and the cost thereof may be recovered by suit against such person. (Code 1965, Sec. 9.07)

Sec. 30 09. Obstructions by merchandise; display on sidewalk.

No unauthorized person shall obstruct or encumber any street, alley or sidewalk with any merchandise, fuel or other articles longer than may be necessary for the loading and unloading of the same. No person shall display any

merchandise upon or over any sidewalk, except on authorized newsstands. (Code 1965, Sec. 9.11)

The following criteria shall be met before permission is given to block city sidewalks and streets, to wit:

- (a) Such permission shall be sought in writing by any business or resident of the City. Said request shall be filed with the City Clerk.
- (b) Such permission shall not be granted to the same location more than once in any six (6) month calendar period.
- (c) Any authorization to block a street or sidewalk under this policy shall not be in excess of a three (3) consecutive day period and shall only exist during regular business hours.
 - (1) Sidewalk sales may be held on Saturdays from May 1 through October 31. Sales must be held during regular business hours.
 - (2) Section 30-09 (c) (1) is the only exception to Section 30-09. (Ord. 2010-19, 5/17/2010)
- (d) Any requests hereunder shall be presented to the City Council for its approval or denial. (Ord. 2010-14, 4/19/2010)

Sec. 30 10. Removal of street obstructions.

The City of Kankakee Superintendent of the Environmental Services Utility, City Engineer, City Planner, City Code Official, Police Chief, Fire Chief or any authorized staff under their supervision may immediately remove any article or thing illegally located within any street, alley, sidewalk or other public place. Once removed the property will be stored at the Environmental Services Utility Building, located at 401 West Oak Street, for a period of 72 hours. If an owner wishes to reclaim the property they must pay a \$100.00 reclamation fee, per item, within the aforementioned 72 hour period.

(Code 1965, Sec. 9.15)

Sec. 30 11. Encroachments on sidewalk.

No part of any sidewalk shall be taken for private use. Entrances to basements and flights of steps may be made which shall not extend into or on the sidewalks more than four (4) feet next to the building, and the width of the steps, or entrances in sidewalks to basements shall not be more than five (5) feet. Such encroachments shall be securely protected by the owner or occupant of the building. Such encroachments shall be constructed in a manner that will properly safeguard the public. Any existing encroachment or hereafter encroachment authorized by the City shall be the owner or owners' responsibility to maintain and shall be required to be removed, in its entirety, if requested by the City within 30-days or written notification or publication in the local newspaper. The property owner or owners shall hold harmless the City of Kankakee, all its employees and agents from all losses, costs, loss of use, damages or bodily injury, including death, and all attorney's fees and costs resulting from any existing encroachment, hereafter encroachment authorized by the City, or removal of any existing or hereafter encroachment. (Code 1965, Sec. 9.19)

The City of Kankakee Superintendent of the Environmental Services Utility, City Engineer, City Planner, City Code Official, Police Chief, Fire Chief or any authorized staff under their supervision may immediately remove any article or thing illegally located within any street, alley, sidewalk or other public place. Once removed the property will be stored at the Environmental Services Utility Building, located at 401 W. Oak Street, for a period of 72 hours. If an owner wishes to reclaim the property they must pay a \$100.00 reclamation fee, per item, within the aforementioned 72-hour period. (Ord. 2013-10, 3/4/13)

Sec. 30 11.1. Encroachment on roadway right of way prohibited; definitions, intent of section, penalty for violation.

- (a) Encroachment prohibited. It shall be unlawful for any person, firm, or corporation to enact or cause to be enacted, to retain or cause to be retained, any encroachment within the limit of the roadway right of way.
- (b) Definitions.
 - (1) Roadway right-of-way is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.
 - (2) Encroachment is defined as any building, fence, sign or any other structure or object of any kind with the exception of utilities and public road signs, which is placed, located or maintained, in, on, under or over any portion of the roadway right of way.
- (c) Intent. This section is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.
- (d) Penalty. Any person, firm or corporation violating this section shall be fined not less than fifteen dollars (\$15.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists. (Ord. No. 81-33, Secs. 1 3, 6 15-81)

Editor's Note - Whereas the preliminary language contained definitions germane to the rest of Ord. No. 81 33, the editor, in his discretion, has included said definitions as paragraph (b) of the above section.

Sec. 30 12. Extending sidewalk.

No person shall build or extend any sidewalk beyond the established width. (Code 1965, Sec. 9.20)

Sec. 30 13. Inserting metal or glass in sidewalk prohibited.

No person shall insert any smooth pieces of glass or metal in any sidewalk. (Code 1965, Sec. 9.20)

Sec. 30 14. Water drainage on sidewalk.

No person shall permit the water draining from the roof of any building owned, occupied or controlled by him, to spread over the sidewalk in front of the same. (Code 1965, Sec. 9.22)

Sec. 30 15. Connection of sanitary or waste sewers to storm water drainage systems: intent of provisions; penalty for violation.

- (a) It shall be unlawful for any person, firm, or corporation, or institution, public or private, to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste or any fixture or device discharging polluting substances, to any open ditch, drain, or drainage structure installed solely for street or highway drainage purposes in the City.
- (b) This section is intended to and shall be in addition to all other ordinances, state statutes, rules and regulations, concerning pollution and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict, therewith.

- (c) Any person, firm or corporation violating this section shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists. (Ord. No.81 31, 6 15 81)

Editor's Note At the editor's discretion, Ord. No. 81 31, Secs. 1 3, enacted June 15, 1981, has been set out herein as amending Sec. 30 15.

Sec. 30 16. Snow and debris on sidewalks.

The owner or occupant of any building, the owner or lessee of any premises, and every person having the charge or control of any church, hall or public building within the City, shall, during the winter season whenever there is a fall of snow, and by 10:00 a.m. every day, unless the snow is still falling, clear the sidewalks in front of or adjoining such building or premises, from snow and ice, and keep the same conveniently free there from; or shall, in case the snow and ice are so congealed as not to be removed without difficulty or injury to the pavement, strew the same with ashes, sand or sawdust. He shall also, at all times, keep such sidewalks clear and free from dirt, filth, weeds or other obstructions, so as to allow pedestrians the safe and unobstructed use of the same. (Code 1965, Sec. 9.23)

Sec. 30 17. Barbed wire on or near sidewalks.

No person shall place or maintain any barbed wire upon or near any sidewalk. (Code 1965, Sec. 9.08)

Cross Reference Barbed wire fences prohibited in noncommercial districts, (Sec.8 128)

Sec. 30 18. Gates opening on to streets or sidewalks.

All gates opening upon any public place or street shall be constructed so that no part of such gate shall swing over, upon or above any part of the sidewalk or street adjacent thereto, unless such gate is so constructed as to be self shutting. No person shall permit or allow any gate under his control to project into any such public place. (Code 1965, Sec.9.09)

Cross Reference Fences, Sec. 8 121 et seq.

Sec. 30 19. Hauling materials through the streets.

Any person engaged in hauling loose materials through the streets shall carry the same in tight boxes or dump beds or barrels, and in case any material falls into the street, shall cause the same to be taken up and removed. (Code 1965, Sec. 9.14)

Sec. 30 20. Open cellar doors, wells, and other openings near streets and sidewalks.

- (a) No person shall leave open, or permit to be left open, any cellar door, basement entrance, vault, cistern, well, ditch or other like pit or hole, on or adjoining any street, alley or sidewalk, within the City, without securing or protecting the same so as not to endanger the safety of persons passing thereby.
- (b) Every opening in any sidewalk over any vault or coal hole shall be covered with a substantial iron grate or plate with a rough surface to prevent accidents, and the construction of all vaults and coal holes under sidewalks shall be subject to the supervision of the City Consulting Engineer or Superintendent of the Environmental Services Utility or such other officer as may be designated by the City Council. (Code 1965, Secs. 9.10, 0.21, 51.42)

Sec. 30 21. Requirements for curb and gutters; permit for removal or cutting

- (a) All concrete curbs and gutters shall be constructed in accordance with the following specifications:

- (1) Curbs shall be Type M3:12 in residential areas or as Directed by the Engineer and Type B6:24 in all other areas and shall conform to the approximate section of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition. (Ord. No. 98-104, Sec. 1, 12-21-98).
- (2) The concrete shall consist of one part Portland Cement, two (2) parts fine aggregate, and three and one half (3 1/2) parts coarse aggregate. All materials shall be accurately measured in a manner approved by the City Consulting Engineer.
 - (b) No person shall remove, cut, mar, deface, or in any way break or disfigure any street curb without first obtaining a permit therefore. (Code 1965, Sec. 9.26)

Cross References Permits for building new residential, commercial or industrial premises to be denied unless the plans also provide for the installation and construction of curbs, gutters and sidewalks, Sec 8 3(a); permits for improvements to existing structures exempted, Sec 8 3(b); specifications, Sec. 8-3(c), (d); waiver of requirements, Sec. 8 3(e); Building Inspector authorized to prohibit occupancy absent compliance, Sec. 8 3(f).

Sec. 30 22. House numbering.

- (a) The owner or occupant of any building in the City shall have the proper street number of the building posted on the front of the building in plain view from the street in front of the building. The number shall be in plain figures not less than three (3) inches by two (2) inches.
- (b) Street numbers shall be determined as follows: On north south streets, buildings in the first block north from Court Street shall be numbered from one hundred (100) with the even numbers on the east side of the street and the odd numbers on the west side of the street. Buildings in each block north thereafter shall be numbered in successive hundreds. Buildings on north south streets south of Court Street shall be similarly numbered from Court Street with each block south numbered in successive hundreds. On east west streets, buildings in each block shall be similar numbered in successive hundreds east and west of West Avenue, with the even numbers on the south side of the street and the odd numbers on the north side of the street.
- (c) Any person may apply to the City of Kankakee Planner for the correct number for any building. (Code 1965, Sec. 9 27; Ord. No. 95-25 Amending Code 1965, 4-17-95)

Sec. 30 23. Detachable trash bins or containers in streets.

- (a) Prohibited unless properly equipped. No owner, of detachable roll off trash bins or containers shall knowingly cause or allow such bins or containers to be placed or remain on any street, alley or public thoroughfare within the city unless such bin or container is equipped with reflector material and/or reflectors which are clearly and conspicuously visible from a distance of not less than four hundred (400) feet.
- (b) Placement of reflectors. The reflectors or reflecting material shall be located on all sides of such bin or container at a point not less than twelve (12) inches below the top of the box, so as to be clearly and conspicuously visible as set forth in (a) above.
- (c) Knowledge of violation attributed to owner, lessor or lessee. The owner, lessor or lessee of the detachable roll off trash bin or container shall be presumed to have knowingly caused or allowed such bin to be placed in violation of this section when the same shall have existed in violation of this section for a period of more than forty eight (48) hours.
- (d) Each day a separate offense. Each day beyond said period heretofore mentioned any violation of any provision of this section shall continue shall constitute a separate offense.

- (e) Fine for violation. The penalty for a violation of this section, upon conviction, shall be a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00). (Ord. No. 78 51, Secs. 1 5, 11 20 78)

Editor's Note Ord. No. 78 51. Secs. 1 5 passed Nov. 20, 1978 was non amendatory of the Code; hence codification herein as Sec. 30 23 was at the discretion of the editor.

Sec. 30 24 30 43. Reserved.

ARTICLE II. EXCAVATIONS

Cross Reference No issuance of permit to applicant indebted to City, Sec. 2-15.

Cross Reference - Dangerous pits or excavations declared nuisances, Sec. 24 12.

Sec. 30-44. Excavating – Permit required; bond or deposit.

1. No person, not authorized by the City Council, or by ordinance, shall make any excavation in any public street, sidewalk, alley, or other public property within the City, without first obtaining a permit from the City of Kankakee Building and Code Enforcement Department. Before issuance of a permit for excavation, the person requesting permission to excavate shall provide the following for the Building and Code Enforcement Department for review:

- (a) Plans showing the area to be excavated limits of proposed excavation, traffic control method, and details demonstrating means/methods for excavation and repair.
- (b) A cash deposit or bond in the amount of ten thousand dollars (\$10,000.00) shall be required to ensure the restoration of the excavation area to its former condition. The City Engineer shall review the proposed excavation and determine if the minimum cash deposit or bond amount is sufficient or if a higher amount shall be requested. The City Engineer shall be the sole authority in determining if the minimum cash deposit or bond of \$10,000.00 shall be sufficient or if a higher amount shall be requested.
- (c) A point of contact and a telephone number that is manned on a continuous 24-hour-a-day basis to receive notification of any deficiencies regarding traffic control and protection and to dispatch men, materials and equipment to correct any such deficiencies. As a condition of issuance of written permission for excavation, all calls from the City, City Engineer, County, or Illinois Department of Transportation concerning a request for improving or correcting traffic control devices shall result in work to address all requested repairs beginning within two hours from the time of notification.
- (d) The person/contractor requesting permission for excavation shall provide indemnification and insurance. The person/contractor agrees to defend, indemnify and hold harmless the City of Kankakee, City Engineer, and all their officers, employees and agents, from all losses, costs, loss of use, damages or bodily injury, including death, and all attorney's fees and costs resulting therefrom; caused or resulting or claimed to be caused or resulting from the work or services of the person/contractor or those for whom the person/contractor is responsible without any limitations on the City of Kankakee or City Engineer other rights. In addition, certificates of

insurance adding the City of Kankakee, City Engineer, and all their officers, employees and agents, as additional insured on the Contractor's general public liability and property damage policy and protective liability insurance policy, said certificate stating that the coverage is for this specific project and having a 30-day advance notice cancellation clause.

The Building and Code Enforcement Official may waive any of the above requirements for emergency repairs or at his discretion to expedite a City project/repair.

2. The Permit Fee for excavation shall be one hundred dollars (\$100.00)

3. A person or entity that is found guilty of not obtaining a permit shall, upon conviction, be fined a minimum of five hundred dollars (\$500.00) and shall further be ordered to reimburse the City for any costs related to the person or entities failure to obtain a permit. Any person or entity found guilty of not obtaining a permit on two (2) separate occasions within a one (1) year period shall be banned from performing excavation work within the City of Kankakee for a period of one (1) year from the date of the offense.

Sec. 30-44.1 Excavating – Definition.

Excavating is defined as any disturbance of the existing conditions over, under, or in any public street, sidewalk, alley, or other public property.

Sec. 30-44.2 Excavating – License.

Any person or entity excavating in the City of Kankakee shall have a City of Kankakee License. (Reference Chapter 21) (Code 1965, Sec. 9.01; Ord No. 96-21, Sec. 1, 4-15-96; Ord. No. 11-32, 5-16-11)

Sec. 30 45. Excavating – Excavation and backfilling general.

1. All work performed shall be in accordance with the “Standard Specification for Road and Bridge Construction,” latest edition, and “Standard Specifications for Water and Sewer Main Construction in Illinois,” latest edition, unless otherwise specified or directed by the City Engineer. All trenches, holes, excavation areas, etc. shall be closed at the end of each workday.

2. Prior to commencing excavation, all pavement, curb and gutter, or sidewalk to be removed shall be saw-cut full depth prior to removal. Sidewalk shall be removed in complete sections only.

3. The person/contractor shall be required to have the City Engineer inspect all site work, trenches, and excavation areas prior to commencing any backfilling operations. If the person/contractor given written permission for excavation commences backfill operations prior to inspection by the City Engineer, the person/contractor (at their own expense) shall excavate the area as directed by the City Engineer to allow for the required inspection.

4. Prior to commencing any fill operations in pavement, curb and gutter, or sidewalk areas, all topsoil shall be removed unless otherwise directed by the City Engineer.

5. All utility trenches and excavation within two feet of pavement, curb and gutter, or sidewalk shall be trench backfilled with CA-07, CA-06, or Controlled Low Strength Material (flowable fill) as directed by the City Engineer. The City Engineer shall be the sole authority for determining the type of backfill material to be used. All fill shall be compacted to 6-inch lifts to a minimum of 95% of the standard proctor

maximum dry density.

6. Seeding and Restoration shall be performed by the person/contractor, on disturbed lawn areas and as directed by the City Engineer. Seeding and Restoration shall include six inches of excavation, removal and disposal of excavated material, Topsoil Furnish and Place 6", Seeding, Erosion Control Blanket, Fertilizer, and Watering. The person/contractor shall not have his cash deposit or bond returned until such time as the grass seed has achieved germination. For the purpose of establishing an acceptable standard, scattered bare spots, none of which is larger than one-half square foot, will be allowed up to a maximum of three percent of restoration area.

7. Any person making any excavation in any street, alley or sidewalk shall, without any unnecessary delay, cause the excavation to be filled up to the proper level of such street, alley or sidewalk, and shall from time to time, if necessary, repair the same, until the earth is completely settled, and the surface thereof conforms to the adjacent surface. The Environmental Services Utility may restore the surface of any excavation and charge the reasonable cost thereof against the bond or deposit posted and charge any additional cost to the person or entity who made the excavation. (Code 1965, Sec. 9.01; Ord. No. 96-21, Sec. 2, 4-15-96; Ord. No 11-31, 5-16-11)

Sec. 30 46. Excavating – Traffic Control and Protection.

A. Any persons/contractors performing excavation/work within any public street, sidewalk, alley or other public property shall provide traffic control in accordance with guidelines contained in the "Illinois Manual of Uniform Traffic Control Devices for Streets and Highways," "Standard Specifications for Road and Bridge Construction," and as required by the City of Kankakee, City Engineer, County Highway Department, or the Illinois Department of Transportation.

B. The person/contractor shall ensure that all traffic control devices installed by him are operational 24 hours a day, including Sundays and holidays.

C. The person/contractor shall provide a manned telephone on a continuous 24-hour-a-day basis to receive notification of any deficiencies regarding traffic control and protection and shall dispatch men, materials and equipment to correct any such deficiencies within 2-hours of notification. (Code 1965, Sec. 9.01)

Any person making any excavation in any street or on any public property shall erect such barriers and lights during the night, as will adequately safeguard the public. (Code 1965, Sec.9.01)

Sec. 30 47. Pipe installations in streets and alleys.

(a) Any person intending to construct or install pipes, cables or other installation over and across the City streets, shall first make soundings for rock on each side of the street or alley at the proposed area of construction. Where rock is located near the surface of the ground and above the proposed pipe grade, open cutting the street or alley may be permitted, subject to review and approval by the City Engineer.

(b) Where open cutting of the street or alley is permitted and used, the trench shall cross perpendicular to the street or alley. Backfilling shall be conducted in accordance with Sec. 30-45 Excavating – Excavation and Backfilling General.

The street or alley restoration shall be of similar types of materials as the existing street or alley. If the street or alley is asphalt, in no case shall the aggregate base course (CA-06) be less than 10-inches. Binder Course be less than 2-inches, and the Surface Course be less than 2-inches. Asphalt pavement restoration shall be as shown in the Pavement Restoration Detail below or as directed by the City

Engineer.

- (c) In areas or locations where rock is not found or encountered as hereinbefore provided, pipes up to and including four (4) inches in diameter shall be constructed or installed only by the pushing or auguring method. This method shall be used for all streets of rigid bases or flexible bases with sealed surfaces, curbs and sidewalks.
- (d) In all cases, the contractor shall file a bond with the City to be approved by the City Consulting Engineer in accordance with Sec. 30-4. (Code 1965, Sec. 9.02; Ord. No. 96-21, Sec. 3, 4-15-96; Ord. No 11-32, 5-16-11)

Sec. 30-48. Penalty for improperly repairing streets.

A person or entity who is found guilty of violating this Ordinance shall, upon conviction, be fined a minimum of Five Hundred Dollars (\$500.00) and shall further be ordered to reimburse the City for the cost of all repairs made necessary by the excavation performed by the person or entity. (Ord. No. 96-21, Sec. 4, 4-15-96)

Sec. 30 49 30 57. Reserved.

ARTICLE III. MOVING BUILDINGS

DIVISION 1. GENERALLY

Sec. 30 58. Obstructing streets.

No person shall, in moving a building through or along any street, unnecessarily encumber or obstruct any street for a longer time than may be necessary in the prompt and diligent moving thereof. (Code 1965, Sec. 9.06)

Sec. 30 59. Moving buildings - duty to use care; liability.

Every person having a permit issued under this article to use any of the streets for moving any building shall use all reasonable care and diligence in moving the same and shall be responsible for all damage done to any property of the City, or of any person and the acceptance of the permittee to remove any building shall be treated as an agreement on the part of the permittee to become responsible for all damages done to any property of the City or of any other person. (Code 1965, Sec. 9.06)

Sec. 30 60 30 70. Reserved.

DIVISION 2. PERMIT

*Cross Reference No issuance of permit to applicant indebted to City, Sec 2 15.

Sec. 30 71. Permit required to move building(s).

No person shall move any building through or along any street, without a written permit from the Superintendent of the Environmental Services Utility therefore. (Code 1965, Sec. 9.06)

Sec. 30 72. Application for permit to move building(s).

Application for a permit required by this division shall set forth the description and location of the building proposed to be removed, the place to which such building is proposed to be moved, the time when such removal is desired to be commenced, the means by which it is proposed to effect such removal, and the names of all the owners

and persons interested in such building, including the name of the person who is to effect and operate such removal. The application shall be signed by all such owners and persons having such interest in such building and the person employed or engaged to effect such removal, and such application shall be presented to the Code Enforcement Official three (3) days before the time stated in such application when it is proposed to commence such removal. Enclosed with the application for a permit shall be a statement, signed and sealed by a licensed structural engineer, from the State of Illinois, as to the soundness and weight of the building to undergo the relocation as proposed. Also, the age, size, general condition and architectural style of the building relative to the age, size, general condition and architectural style of any existing or planned structures adjacent to the site to which the building is to be relocated. (Code 1965, Sec. 9.06)

Sec. 30 73. Moving buildings - application; issuance.

After receipt of an application for a permit required by this division, the City Consulting Engineer and the Superintendent of the Environmental Services Utility shall examine the building and the routes upon which such building is proposed to be removed, and the place named in the application to which it is proposed to move such building. He shall review and determine the streets or alleys to be used in removing the building, and upon such applicant exhibiting proof to the City Consulting Engineer and the Superintendent of the Environmental Services Utility that such applicant paid into the treasury of the City the permit fee, the Superintendent shall give a permit for such removal of such building.

In the event the City approved the moving of a building as provided for herein, the moving of the building must comply with the following restrictions imposed by the City and the Superintendent of the Environmental Services Utility:

- (a) The petitioner shall submit a site plan to the Building and Code Enforcement Department for review and approval.
- (b) The petitioner shall complete the movement of the building and the relocation of the building on a foundation within 60 days of the date of the approval by the Building and Code Enforcement Department.
- (c) The petitioner shall post a performance bond payable to the City, cashier's check, negotiable securities, or establish an escrow account in the amount of 110 percent of the estimated cost of the movement of the building, the relocation of the building on a foundation, and the estimated cost to make any repairs to City streets, alleys, or sidewalks that may be incurred as a result of moving the building, as approved by the City, City Consulting Engineer, and Superintendent of the Environmental Services Utility, to ensure timely satisfactory movement and relocation of the building.
- (d) If the movement of the building and the relocation of the building onto a foundation within 60 days of the date of the approval by the City, the performance bond, cashier's check, negotiable securities, or escrow monies pursuant to paragraph (b) shall be forfeited to the City and the City shall coordinate the completion of the moving and relocation of the building. On or before 55 days after the date the petitioner received the approval of the City, the City shall notify the petitioner of the pending forfeiture and the City's completion of the moving and relocation of the building in the event the petitioner does not complete the project within 60 days from the date of approval by the City. Failure to provide this notice shall not prevent the City from receiving the forfeited funds and coordinating the completion of the project.
- (e) After the applicant exhibits proof to the City Consulting Engineer that all permit fees have been paid into the treasury of the City, the City Consulting Engineer and Superintendent of the Environmental Services Utility have completed the review

process for the proposed building moving, all concerns/requirements have been addressed to the satisfaction of the City Consulting Engineer and Superintendent of the Environmental Services Utility, and the applicant has posted a performance bond payable to the City, cashier's check, negotiable securities, or established an escrow account pursuant to paragraph (c), the Code Enforcement Official shall give a permit for such removal of such building. (Code 1965, Sec.9.06)

Sec. 30 74. Fee for permit to move building(s).

The fee for a permit required by this division shall be fifty dollars (\$50.00). (Code 1965, Sec. 9.06)

Sec. 30 75. Moving Buildings - surety and other conditions.

The Code Enforcement Official shall have a right to require applicant to obligate himself with good and sufficient surety to comply with the provisions of this article and the permit to be granted, and to impose such other conditions as may be necessary to protect the public and minimize public inconvenience. The Superintendent of the Environmental Services Utility shall have a right to require applicant to obligate himself with good and sufficient surety to comply with the provisions of this article and the permit to be granted, and to impose such other conditions as may be necessary to protect the public and minimize public inconvenience. (Code 1965, Sec. 9.06)

Sec. 30 76- 30-86. Reserved.

ARTICLE IV. PRIVATE DRIVEWAYS

Sec. 30 87. Definition - private driveways.

The term "private driveway" used in this article shall mean any driveway not included in section 30 102. (Code 1965, Sec. 9.25)

Sec. 30 88. Private driveways - permit required.

No person shall construct a private driveway without first obtaining a permit therefor. (Code 1965, Sec. 9.25)

Cross Reference No issuance of permit to applicant indebted to city, Sec. 2-15.

Sec. 30 89. Schedule establishing standard policy for driveways entering the public streets.

Driveway/Entrances within the right-of-way for any street or other public way shall meet the below listed requirements:

Basic Driveway/Entrance Requirements

	<u>Residential</u>	<u>Commercial</u>
Maximum Driveway Width	24-ft	35-ft
Maximum Taper or Radius (T/R) Size	7-ft	10-ft
Minimum Distance from (T/R) to Property Line	1-ft	1-ft
Minimum Sidewalk/Walking Area Width	4-ft	4-ft
Distance from Sidewalk/Walking Area to Property Line	1-ft	1-ft
Detectable Warnings in Sidewalk/Walking Area		
On Both Sides of the Entrance/Driveway	Not Required	Not Required

(Code 1965, Sec. 9.24)

Sec. 30 90. Private driveways - construction requirements.

- (a) The dimensions for construction of private driveways shall be in accordance with that portion of the schedule adopted in section 30 89 for establishments catering primarily to the private automobile.
- (b) The materials and methods of construction shall conform to the specifications of this section and the Illinois Department of Transportation "Standard Specifications for Road and Bridge Construction," latest edition, under the direction of the City Engineer.

All residential driveways and entrances shall be constructed of one of the following options:

- i. An aggregate base course consisting of IDOT gradation CA-6, CA-7, or CA-10, ten inches (10") in thickness, and a surface course consisting of bituminous concrete surface course (asphalt), two and one-half inches (2-1/2") in thickness. All thicknesses shall be measured with materials in place and compacted.
- ii. An aggregate base course consisting of IDOT gradation CA-6, CA-7, or CA-10, four inches (4") in thickness, and a surface course consisting of Portland Cement Concrete (PCC), six inches (6") in thickness, reinforced with six-inch by six inch wire reinforcing mesh or fiberglass. All thicknesses shall be measured with materials in place and compacted.
- iii. Any alternate materials in addition to those described above shall be presented in writing to the City Engineer for his written approval prior to inclusion in the construction drawings and specifications.

All commercial driveways and entrances shall be constructed of one of the following options:

- i. An aggregate base course consisting of IDOT gradation CA-6, CA-7, or CA-10, 10 inches (10") in thickness, a bituminous concrete binder course (asphalt) two inches (2") in thickness, and a surface course consisting of bituminous concrete surface course (asphalt) two inches (2") in thickness. All thicknesses shall be measured with materials in place and compacted.
- ii. An aggregate base course consisting of IDOT gradation CA-6, CA-7, or CA-10, six inches (6") in thickness, and a surface course consisting of Portland Cement Concrete (PPC), eight (8") in thickness, reinforced with six-inch by six-inch wire reinforcing mesh or fiberglass. All thicknesses shall be measured with materials in place and compacted.
- iii. Any alternate materials in addition to those described above shall be presented in writing to the City Engineer for his written approval prior to inclusion in the construction drawings and specifications. (Code 1965, Sec. 9.25, Ord. No. 2011-

5-16-11) 32,

Sec. 30 91. Street access prohibited; approval of permit in certain situations.

- (a) No permit shall be issued for direct access onto a public street in situations where a private driveway is proposed on a residential lot that borders upon or has access to a public alley.
- (b) A permit may be issued in cases where unique circumstances exist, subject to the recommendation of the City Consulting Engineering and approval by the City Council. (Ord. No. 2001-72, 11-9-01)

ARTICLE V. SERVICE DRIVEWAYS

Sec. 30 102. Definition - service driveways.

The term "service driveway" used in this article shall mean any driveway entering any street from a public garage, parking lot, gasoline station, factory, store, warehouse, or any other private business, intended for use and used by the public. (Code 1965, Sec. 9.24)

Sec. 30 103. Service driveways - permit required.

No person shall construct or maintain a service driveway in the City without first obtaining a permit therefore, and payment of the permit fee required by this article. (Code 1965 Sec.9.24)

Cross Reference No issuance of permit to applicant indebted to City, Sec. 2 15.

Sec. 30 104. Service Driveways - Application.

Any person desiring to obtain a permit for any service driveway shall file an application therefore with the City Consulting Engineer. This application shall be in writing and shall have attached drawings showing the proposed construction, particularly showing the information from section 30-89, schedule establishing standard policy for driveways entering the public streets. The application shall contain information showing the type of construction, the length of the driveway, the exact location of the driveway and any other information which may be required by the City Consulting Engineer. (Code 1965, Sec. 9.24; Ord. No. 2011-32, 5-16-11)

Sec. 30-105. Service Driveways - Fees.

The permit fee for each service driveway approved by the City Consulting Engineer shall be one dollar (\$1.00) per lineal foot of service driveway length or fraction thereof. (Code 1965, Sec. 9.24)

Sec. 30 106. Service driveways - maximum length.

The length of service driveways and their location with respect to the right of way lines of public streets shall be in accordance with standards and specifications shown on the schedule adopted in section 30 89. (Code 1965, Sec. 9.24)

Sec. 30 107. Maximum number of service driveways at a single business.

No more than two (2) service driveways shall be permitted in one hundred (100) feet of frontage to allow entrance to a single business or establishment. (Code 1965, Sec. 9.24)

Sec. 30 108. Service Driveway - construction requirements.

- (a) The materials and methods of construction shall conform to the specifications of this section and the Illinois Department of Transportation "Standard Specifications for Road and Bridge Construction," latest edition, under the directions of the City Engineer.

- (b) All service driveways shall be constructed of one of the following options:
- i. An aggregate base course consisting of IDOT gradation CA-6, CA-7, or CA-10, ten inches (10") in thickness, a bituminous concrete binder course (asphalt) two inches (2") in thickness, and a surface course consisting of bituminous concrete surface course (asphalt) two inches (2") in thickness. All thicknesses shall be measured with materials in place and compacted.
 - ii. An aggregate base course consisting of IDOT gradation CA-6, CA-7, or CA-10, six inches (6") in thickness, and a surface course consisting of Portland Cement Concrete (PPC), eight (8") in thickness, reinforced with six-inch by six-inch wire reinforcing mesh or fiberglass. All thicknesses shall be measured with materials in place and compacted.
 - iii. Any alternate materials in addition to those described above shall be presented in writing to the City Engineer for his written approval prior to inclusion in the construction drawings and specifications.
- (c) Curb returns and expansion joints shall conform to the standard specifications of the City Consulting Engineer.
- (d) All service driveways shall cross the outer parking strip and the sidewalk at an angle of not less than forty five (45) degrees to the curb line. (Code 1965, Sec. 9.24)

Sec. 30 109. Service driveways - restrictions or refusal of permit in certain situations.

Where a service driveway will create undesirable traffic conditions, restrictive use of the public street, unsafe conditions for pedestrians or uneconomic distribution of curb parking, the City Consulting Engineer may in the best interest of the City place restrictions on the construction or maintenance of service driveways or may refuse to issue a permit for the construction or maintenance thereof. Such refusal shall be subject to review by the traffic committee of the City Council. (Code 195, Sec. 9.24)

Sec. 30 110 30 120. Reserved.

ARTICLE VI. SIDEWALK CONSTRUCTION

*Cross Reference No issuance of permit to applicant indebted to City, Sec. 2 15.

Sec. 30 121. Permit for sidewalk construction on City property.

No person shall construct a sidewalk on City property without first obtaining a permit therefore. (Code 1965, Sec.9.17)

Sec. 30 122. Sidewalk construction - grades.

- (a) The City Council shall establish the grades for all sidewalks, which shall conform, as nearly as may be to the grades of their respective streets. The inner or lot side of sidewalks shall conform to grades established and the walk surface shall have a uniform slope or inclination toward the street of one quarter (1/4) inch to each one foot of width of walk. When the grade of the sidewalk is established from the top of the curb, the street to lot side of the walk shall have a minimum rise of one quarter (1/4) inch and a maximum rise of one half (1/2) inch from the top of the curb to each one foot of terrace. Where no permanent grade is established, the City Consulting Engineer may give a temporary grade. He shall, when requested by any person desiring to build a sidewalk, stake out the grade thereof without charge to

such person.

- (b) No person shall construct or lay any sidewalk where no grade has been established by the City Council, without having first obtained a grade therefore from the City Consulting Engineer or contrary to any grade given by the engineer, nor construct any sidewalk contrary to any grade established by the council. (Code 1965, Sec. 9.17)

Cross Reference Elevation for grades of sidewalks. Sec. 2 14.

*Cross References Permits for building new residential, commercial or industrial premises to be denied unless the plans also provide for the installation and construction of curbs, gutters and sidewalks, Sec. 8 3(a); permits for improvements to existing structures exempted, Sec. 8 3(b); specifications, Sec. 8 3(c), (d); waiver of requirement, Sec. 8 3(e); Building Inspector authorized to prohibit occupancy absent compliance, Sec. 8 3(f).

Sec. 30 123. Concrete requirements for sidewalk construction - direction by City Consulting Engineer.

All sidewalks constructed in the City shall consist of an aggregate base course consisting of IDOT gradation CA-6, CA-7, or CA-10, four inches (4") in thickness, and a surface course consisting of Portland Cement Concrete (PCC), five inches (5") in thickness. The PCC thickness shall be increased to six inches (6") where the sidewalk crosses a driveway. All thicknesses shall be measured with materials in place and compacted. All sidewalks shall be installed under the supervision of the City Consulting Engineer. (Ord. No. 02-12, 3-4-02; Ord. 11-32, 5-16-11)

Sec. 30 124. Location and width of sidewalks.

The inner edge of a sidewalk shall be one foot from the property line except in subdivisions where existing walks have been constructed against the curb, in which instances the sidewalk shall conform to such existing walks. Sidewalks shall be constructed to a width of five (5) feet four (4) inches, where such width is the established width. A sidewalk may be constructed to a width of four (4) feet where such uniform width can be maintained. The typical sidewalk width in the City shall be five feet (5') in width, unless the location for the proposed sidewalk meets the above-referenced requirements or as directed by the City Consulting Engineer. (Code 1965, Sec. 9.18, Ord. 11-32, 5-16-11)

Sec. 30 125. Noncomplying sidewalks declared nuisance; removal.

Any sidewalk which is constructed differently than required by this article shall be deemed a nuisance and may be removed by the Superintendent of the Environmental Services Utility. (Code 1965, Sec. 9.18)

Sec. 30 126 30 129. Reserved.

ARTICLE VII. PUBLIC TREE RESOURCE MANAGEMENT

*Editor's Note Ord. No. 96-69, Sec. 1, passed September 16, 1996, was non amendatory of the Code; hence, codification herein as a new Article VII, Sec. 30 130, was at the discretion of the editor.

Sec. 30-130 Public Tree Resource Management Responsibilities.

The Superintendent of the Environmental Services Utility shall have jurisdiction for Public Tree Resource Management over all tree locations, and plans for tree installation, upon the public right of way.

The Superintendent shall incorporate into his annual budget proposal the funding necessary to support the Annual City Tree Work Plan.

Annually, the Superintendent shall prepare and present to the Mayor, a proposal for Arbor Day Observance on the last

Saturday in April throughout the City of Kankakee.

The Environmental Services Utility shall have an Arborist, certified by the International Society of Arboriculture continuously assigned as part of the department's budgeted manning authorization.

The Arborist will:

- (a) Conduct tree maintenance services in accordance with the Public Tree Care Policy formulated by the Superintendent.
- (b) Conduct maintenance services in accordance with the job description maintained by the Superintendent, and in accordance with National Arborist Association standards.
- (c) Replace public trees with the following species:
 - (1) Acre Norway Maple
 - (2) Acre Rubrum Red Sunset Maple
 - (3) Quercus Rubra Red Oak
 - (4) Gleditsia Triacanthos Imperial Locust
 - (5) Tilia Cordata Greenspire Linden
 - (6) Fraxinus Pennsylvanica Patmore Ash
- (d) Continually monitor the general health and well being of the public tree crop for the earliest possible detection of disease symptoms.
- (e) With the advice of the State Forester review the standard tree mix about every ten years, with the first review to be conducted in 2006, and recommend to the Superintendent any changes for the continued prevention of disease spread.
- (f) Advise the residents and business operators of adjacent property of tree species available as replacements so that those citizens may participate in the selection process.
- (g) Decide upon, and install replacement species at locations where no resident of business operator has adjacent property or interest.
- (h) Prepare the Annual City Tree Work Plan for the Superintendent's and City Consulting Engineer review not later than the last working day of the month of February.
- (i) Prepare and maintain the City Tree Planning Inventory as defined in Chapter Three, "Knowing your Urban Forest" handbook for Tree Board Members, National Arbor Day Foundation, Nebraska City, Nebraska.

Incorporation by direct reference:

- (1) Sec 1-13, General Penalty for violation of Code; continuing violations.
- (2) Sec 2-10 (d), Maintenance responsibilities of the Superintendent of the Environmental Services Utility.

- (3) Sec 2-179, Creation of the office of the Superintendent of the Environmental Services Utility.
- (4) Sec 2-181, Authority to issue citations.
- (5) Sec 22-27, Injuring or removing vegetation, fences, signs etc.
- (6) Sec 30-8, Trees overhanging streets.
- (7) Sec 30-44, Excavations, Permit required, bond or deposit.
- (8) Sec 30-59, Moving Buildings, Duty to use care; liability for damage.
- (9) Sec 30-75, Moving Buildings, Surety and other conditions.
- (10) Sec 32-171.1, Parking prohibited on terraces; no signs required.
- (11) BOCA PMC, Sec PM-302.o Public Nuisance #2
- (12) BOCA PMC, Sec PM-303.0 Exterior Property Areas, PM 303.1

Annual Work Plan for Arborist, Environmental Services Utility, FY 1996/1997.

(a) History:

YEAR	TRIMMED	REMOVED	PLANTED
1990 – 1991	216	70	43
1991 – 1992	339	141	136
1992 – 1993	202	98	92
1993 – 1994	83	120	48
1994 – 1995	361	80	99
1995 – 1996	240	101	84
TOTALS	1441	610	502

(b) 1996 - 1997 Plan (Average + 5% except planting = Average + 25%).

Trimmed - 252	Removed - 106	Planted - 104
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(c) Budget:

TRIMMING @ .5 HOURS PER TREE	\$16,533.72
REMOVAL @ 1 HOUR PER TREE	\$13,909.32
PLANTING @ 1 HOUR PER TREE	\$13,646.88
MATERIAL @ \$65.00 PER TREE	\$ 6,760.00
SUPERVISION @ .125 PER TREE	\$ 1,732.50

EQUIPMENT MAINTENANCE @ \$15.00 PER HOUR	\$ 5,040.00
DISPOSAL @ \$16.00 PER TREE	\$ 1,696.00
TOTAL 1996 - 1997 BUDGET	\$59,318.67

ARTICLE VIII. COMPLETE STREETS

SECTION 30-140 DECLARATION OF POLICY

PURPOSES AND INTENT

140.1(a) It is the intent of the City of Kankakee in enacting this ordinance to encourage healthy, active living, reduce traffic congestion and fossil fuel use, and improve the safety and quality of life of residents of the City of Kankakee by providing safe, convenient, and comfortable routes for walking, bicycling and public transportation.

140.1(b) The purpose of this article is to enable the streets of the City of Kankakee to provide safe, convenient and comfortable routes for walking, bicycling and public transportation that encourage increased use of these modes of transportation, enable convenient travel as part of daily activities, improve the public welfare by addressing a wide array of health and environmental problems, and meet the needs of all users of the streets, including children, older adults, and people with disabilities.

140.2 This ordinance shall be construed liberally to effect its purposes.

DEFINITIONS

141.1 The following words and phrases, whenever used in this ordinance shall have the meanings defined in this section unless the context clearly requires otherwise.

(a) “Complete Streets Infrastructure” means design features that contribute to a safe, convenient, or comfortable travel experience for Users, including but not limited to features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; public transportation stops and facilities; transit priority signal as a nation; traffic calming devices such as Rotary circles, traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised median; and dedicated transit lanes

(b) “Street” means any right-of-way, public or private, including arterials, connectors, alleys, ways, lanes and roadways by any other designation, as well as bridges, tunnels, and any other portions of the transportation network.

(c) “Project” means the construction, reconstruction, retrofit, maintenance, alteration, repair of any Street, and includes the planning, design, approval, and implementation processes. “Project” does not include minor routine upkeep such as cleaning, sweeping, mowing, Spot repair, or interim measures on detour routes.

(d) “Users” mean individuals that use Streets, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, emergency

vehicles, agricultural vehicles and people of all ages and youth, families, older adults and individuals with disabilities. abilities, including children,

DESIGN AND IMPLEMENTATION CRITERIA

142.1 To the extent possible, the City of Kankakee Planning Department, Consulting Engineer and Environmental Services Utility shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to include public and, where applicable, private Streets and the transportation network for all Users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets.

142.2 The City of Kankakee shall develop a non-motorized plan in consultation with other oversight bodies and departments, as well as other governmental entities to be incorporated into the city's Comprehensive Plan.

142.3 As feasible, the City of Kankakee shall incorporate complete streets infrastructure into existing public and, where applicable, private streets to improve the safety and convenience of Users, constructing enhanced the transportation network for each category of users and create employment.

142.4 If the safety and convenience of Users can be improved within the scope of pavement resurfacing, re-striping, or signalization operations on public, and where applicable, private streets, such projects shall implement Complete Streets Infrastructure to increase safety for users.

142.5 In design guidelines, the City of Kankakee and all of its agencies and departments shall coordinate templates with street classifications and revise them to include Complete Streets Infrastructure, such as sidewalks, shared use paths, bicycle lanes, paved shoulders, streetlights and landscaping, planting strips, accessible curb ramps, crosswalks, refuge islands, pedestrian signals, signs, street furniture, bicycle parking facilities, public transportation stops and facilities, transit priority signal is H., and other features assist in the provision for safe travel for all users, such as narrow vehicle lanes, raised medians, dedicated transit lanes, paved shoulders and road diets.

142.6 Accommodations shall also be designed and built using guidance for most recent edition of American Association of State Highway Transportation Officials *Guide for the Development of Bicycle Facilities* and the *American Disabilities Act Accessibility Guidelines*

142.7 Methods for providing flexibility within safe design parameters, such as context sensitive solutions and design, shall be considered.

142.8 Projects shall be prioritized based on:

- (a) connections between residential areas and schools and recreational facilities;
- (b) coordination with existing Safe Routes To School programs and considerations;
- (c) connections between the residential and commercial areas; and
- (d) filling gaps in existing sidewalk facilities.

COORDINATION

143.1 The City of Kankakee shall ensure that its policies and any proposed changes are in accordance with State of Illinois Complete Streets laws and policies.

EXCEPTIONS

144.1 Every Project on public Streets shall incorporate Complete Streets Infrastructure sufficient to enable reasonably safe travel along and across the right-of-way for each category of Users; provided, however, that such infrastructure may be excluded, upon written approval by the consulting engineer of the City of Kankakee, read documentation and data indicate that:

- (a) Use by non–motorized Users is prohibited by law;
- (b) The cost would be excessively disproportionate to the need or probable future use over the long term. Excessively disproportionate is defined as exceeding 20% of the cost of the larger transportation project;
- (c) There is an absence of current or future need documented through demographic, school, implement, and public transportation route data;
- (d) Significant, documented, adverse environmental impacts outweigh the positive effects of the infrastructure; or
- (e) Their establishment would be contrary to public health or safety.

PERFORMANCE MEASURES

145.1 The City of Kankakee shall collect data measuring how well the Streets of the City of Kankakee are serving each category of Users. These measures include, but are not limited to, latent demand, existing levels of service for different modes of transport users, collision statistics and bicycle and pedestrian injuries and fatalities.

145.2 The City of Kankakee shall put into place performance standards with measurable benchmarks reflecting the ability of Users to travel in safety and comfort. These standards and benchmarks include, but are not limited to, transportation mode shift, miles of new bicycle lanes and sidewalks, percentages of tree to tree canopy and low design speeds, and public participation.

PUBLIC INPUT

146.1 The City of Kankakee shall establish procedures to allow full public participation in policy decisions and transparency in individual determinations concerning the design use of streets.

IMPLEMENTATION

147.1 The Environmental Services Utility and the Consulting Engineer are hereby authorized to issue all rules and regulations consistent with this article and shall have all necessary powers to carry out the purposes of and enforce this article.

147.2 All initial planning and design studies, health impact assessments, environmental reviews, and other project reviews for projects requiring funding or approval by that City of Kankakee shall: (1) evaluate the effect of the proposed project on safe travel by all users, and (2) identify measures to mitigate any adverse impacts of such travel that are identified.

147.3 The Planning Board of the City of Kankakee, along with the Environmental Services Utility and the Consulting Engineer shall coordinate the implementation of Complete Streets practices by:

- (a) **addressing short-term and long-term steps and planning necessary to create a comprehensive and integrated transportation network serving the needs of Users;**
- (b) **assess potential obstacles to implementing Complete Street practices in the City of Kankakee.**
- (c) **proposed revisions to the zoning and subdivision codes, and other applicable laws to integrate, accommodate, and balance the needs of all Users in Streets Projects.**

Said Board shall report on the matters within its purview to the City of Kankakee City Council within one year following the date of the passage of this ordinance.

STATUTORY CONSTRUCTION AND SEVERABILITY

148.1 This Ordinance shall be construed so as not to conflict with applicable federal or state laws, rules, regulations. Nothing in this Ordinance authorizes any city agency to impose any duties or obligations in conflict with limitations on municipal authority established by federal or state law the time such agency action is taken.

148.2 In the event that another agency of competent jurisdiction pursuant to a federal or state law, rule, regulation invalidates any clause, sentence, paragraph, or section of this Ordinance or the application thereof to any person or circumstances, it is the intent of the Council that such agencies sever such clause, sentence, paragraph, or section so that the remainder of this Ordinance remains in full force and effect.

148.3 In undertaking the enforcement of this Ordinance, that City of Kankakee is assuming only an undertaking to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation through which it might incur liability and monetary damages to any person who claims that a breach proximately caused injury.

STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY

INDEX

ARTICLE I. IN GENERAL..... 30

- Barbed wire on or near sidewalks..... 30 - 17
- Bond required for builders blocking streets..... 30 - 06
- Building encroaching on street..... 30 - 07
- Connection of sanitary or waste sewers 30 - 15
- Detachable trash bins or containers in streets..... 30 - 23
- Encroachment on roadway right of way 30 - 11.1
- Encroachments on sidewalk..... 30 - 11
- Extending sidewalk..... 30 - 12
- Games on streets and sidewalks..... 30 - 04
- Gates opening on to streets or sidewalks..... 30 - 18
- Hauling materials through the streets..... 30 - 19
- House numbering..... 30 - 22
- Inserting metal or glass in sidewalk prohibited..... 30 - 13
- Obstructions in streets/alleys generally..... 30 - 02

Obstructions by merchandise; display on sidewalk.....	30 - 09
Open cellar doors, wells, etc near street.....	30 - 20
Ordinances about streets not affected by Code.....	30 - 01
Permit for parades.....	30 - 03
Permit for use of sound amplification equipment.....	30 - 03.1
Removal of street obstructions.....	30 - 10
Requirements for curb and gutters.....	30 - 21
Snow and debris on sidewalks.....	30 - 16
Trees overhanging streets.....	30 - 08
Use of coasters, roller skates	30 - 05
Water drainage on sidewalk.....	30 - 14
ARTICLE II. EXCAVATIONS.....	30
Excavating Barriers and lights.....	30 - 46
Excavating Permit required; bond or deposit.....	30 - 44
Excavating Refilling generally.....	30 - 45
Penalty for improperly repairing streets.....	30 - 48
Pipe and cable installations in streets.....	30 - 47
ARTICLE III. MOVING BUILDINGS.....	30
Application for permit to move building(s).....	30 - 72
Fee for permit to move building(s).....	30 - 74
Moving buildings application; issuance.....	30 - 73
Moving buildings duty to use care; liability.....	30 - 59
Moving Buildings surety and other conditions.....	30 - 75
Obstructing streets.....	30 - 58
Permit required to move building(s).....	30 - 71
ARTICLE IV. PRIVATE DRIVEWAYS.....	30
Definition private driveways.....	30 - 87
Establishing standard policy for driveways.....	30 - 89
Private driveways construction.....	30 - 90
Private driveways – permit required.....	30 - 88
Street access prohibited, approval of permit in certain situations.....	30 - 91
ARTICLE V. SERVICE DRIVEWAYS.....	30
Definition service driveways.....	30 - 102
Number of service driveways at a business.....	30 - 107
Service Driveway construction requirements.....	30 - 108
Service Driveways application.....	30 - 104
Service Driveways fees.....	30 - 105
Service driveways maximum length.....	30 - 106
Service driveways permit required.....	30 - 103
Service driveways restrictions	30 - 109
ARTICLE VI. SIDEWALK CONSTRUCTION.....	30
Concrete requirements for sidewalk construction.....	30 - 123
Permits for sidewalk construction on privately owned property.....	30-123.1
Location and width of sidewalks.....	30 - 124
Non-complying sidewalks declared nuisance.....	30 - 125
Permit sidewalk construction on city property.....	30 - 121
Sidewalk construction grades.....	30 - 122
ARTICLE VII. PUBLIC TREE RESOURCE MANAGEMENT.....	30
Public Tree Resource Management	30 - 130