

**ORDINANCE NUMBER: 2623**

**AN ORDINANCE OF THE CITY OF SOUTH BELOIT, ILLINOIS AMENDING  
CHAPTER 86 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE  
II, EXCAVATIONS OF THE CITY OF SOUTH BELOIT CODE OF ORDINANCES**

WHEREAS, the City of South Beloit, Illinois ("City") has adopted a City Code of Ordinances ("Code"); and

WHEREAS, Chapter 86 – Streets, Sidewalks and Other Public Places, Article II. – Excavations, provides for regulations related to excavations in streets, sidewalks and other public places; and

WHEREAS, the City desires to amend section 86-31 to provide additional regulations for any construction in the right-of-way, specifically rights-of-way that were recently resurfaced or constructed; and

WHEREAS, the City has determined it is in the best interest of the City and its citizens to enact such amendments as set forth herein.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of South Beloit, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.
2. That Section 86-31 of the Code entitled "Excavating or tunneling over/under city property" is hereby amended to read as follows (additions shown as **bold and underlined** and deletions as ~~strikethroughs~~) (all other sections not amended shall remain as written):

"(a)It shall be unlawful for any person, business, company, entity, or utility agency to make any excavation or alteration to, in or across, or to tunnel under, any curb, gutter, street, sidewalk or any other city property without first having secured a permit pursuant to Division 2 of this article from the city clerk.

(b)Notwithstanding the foregoing, a utility company may make any excavation or alteration to, in or across, or tunnel under, any curb, gutter, street, sidewalk, or any other city property in emergency situations without first having secured a permit. Such utility company shall contact the mayor, the commissioner of the streets and public improvements or the city clerk prior to commencing any emergency work to obtain authority to proceed with such emergency work without first obtaining a permit. As soon as practically possible thereafter, such utility shall apply for a permit.

(c)The permit holder will repair, cause to be repaired, or reimburse the city for repairs for any and all damages or alterations to any city property or improvements that may arise due to the operations of the permit holder. Such repair shall be in accordance with all

applicable city regulations, codes and standards and shall return the damaged or altered city property to a reasonably similar condition as previously existed.

**(d) Pavement cuts for any utility work installation or repair shall be permitted on public rights of way only if that portion of the public right of way is closed to traffic.**

**(e) For all rights-of-way which have been reconstructed by the City in the last 7 years, or resurfaced by the City in the past 3 years, no City permit, as required by Division 2, shall be issued unless such work is determined by the City to be an emergency repair or other work considered necessary and unforeseen or unless a pavement cut is necessary for a J.U.L.I.E. locate. In such an event, the following restrictions shall apply:**

**a. Emergency repair work requires approval from the commissioner of streets and public improvements, or their authorized designee.**

**b. All utilities shall be subject to this section, unless specifically prohibited in a utility franchise agreement."**

3. All other ordinances of the City shall remain in effect as previously enacted except that those ordinances, or parts thereof, in conflict are hereby repealed to the extent of such conflict.
4. This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

PASSED UPON MOTION BY Adleman

SECONDED BY Morse

BY ROLL CALL VOTE THIS 7th DAY OF June, 2021

AS FOLLOWS:

VOTING "AYE": Adleman, Fitzgerald, Hedrington,  
Morse, Behl

VOTING "NAY": \_\_\_\_\_  
\_\_\_\_\_

ABSENT, ABSTAIN, OTHER \_\_\_\_\_  
\_\_\_\_\_

APPROVED June 7, 2021

ATTEST:

Mary L. Patrick  
CLERK

Paul Bl  
MAYOR