

CHAPTER 40

STREET REGULATIONS

ARTICLE I – GENERAL PROVISIONS

DIVISION I - GENERALLY

40-1-1 OBSTRUCTING STREETS.

(A) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley, or sidewalk in the City any debris, materials or obstructions, except as may be permitted by this Chapter.

(B) It shall be the duty of the Street Superintendent or his designated representative to exercise a vigilant supervision over such places, and to notify any person found making such deposit, or responsible for the same, to remove the offending matter at once.

40-1-2 SPITTING. No person shall spit upon any public sidewalk, or in and upon the floor of any public place or building within the City.

40-1-3 WATER FROM EAVES. No person owning or occupying any building in the City shall cause pipes conducting the water from the eaves of the building to be so constructed as to spread the water over the sidewalk.

40-1-4 FIRES IN STREETS. No person shall burn any leaves or rubbish or create any other fire on any street, sidewalk or alley in the City. **(Ord. No. 6686; 10-18-04)**

40-1-5 GAMES IN STREETS. No person shall play baseball or any game in the roadway of any street. **(Ord. No. 56)**

40-1-6 VEHICLES ON SIDEWALKS. No person shall operate any wagon, sled or vehicle over any sidewalk, except in crossing the same to go into a yard or lot.

40-1-7 REMOVING COAL. No person shall dig, mine or remove coal or stone from or under any street, alley or public grounds belonging to the City.

40-1-8 DIGGING IN STREETS. No person shall, in the City, without permission of the Mayor in writing, dig up or haul away any ground from, or make any alteration in or upon any street or other public place.

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40-1-9 **UNDERMINING STREETS.** No person shall undermine in any manner, any street, alley or any other ground or real estate situated in the City, belonging to the City or to any private person.

40-1-10 **CELLAR DOOR.** No cellar door shall be built above the level of the sidewalk or pavement.

40-1-11 **STAIRWAY; RAILING.** No steps or stairway leading into any building shall extend from the wall of such building onto any pavement or sidewalk more than **two (2) feet**; nor shall any passage from any cellar extend more than **two (2) feet** upon the pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the same towards the street to prevent persons from falling into same.

40-1-12 **VAULTS AND GRATING.** Any person who shall in the City, dig or cause to be dug, in any street or sidewalk, any vault, shall arch or cover the same over, and secure the grating or covering of the opening thereof in such a manner as to prevent persons, animals and vehicles from falling into the same. **(See Zoning Code)**

40-1-13 **INSECURE CELLAR DOORS AND GRATINGS.** No person shall suffer any cellar door or the grating of any vault belonging to premises occupied by him, on any street, alley or sidewalk in the City, to be or remain in an insecure condition, whereby passersby may be in danger of falling into any cellar or vault. **(Sec. 7.18)**

40-1-14 **OPEN CELLAR DOORS.** No person shall open, or suffer to remain open any cellar door, or the grating of any vault belonging to premises occupied by him, on any street, alley or sidewalk in the City, for any purpose except the purpose of taking in and removing goods or other articles; and any person or persons suffering such door or grating to remain open shall have a man stationed at such door or grating during the time such door or grating may remain open for the purpose of warning passersby of the open condition of the door or grating. **(Sec. 7.19)**

40-1-15 **LIABILITY OF PERSONS TO CITY FOR DAMAGES.** If any person violates any provision of **Sections 40-1-11 to 40-1-14** inclusive, and any person or property in consequence thereof is injured or damaged, and the City shall be legally required to pay for such injury or damage, the person so guilty of such violation shall be liable to the City in a civil action for all such damages and all reasonable costs incurred by the City in relation thereto, and no prosecution or other proceeding by the City of such person for any penalty imposed for a violation shall constitute a bar to such action by the City for such damages. **(Sec. 7.20)**

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40-1-16 **SNOW IN STREETS.**

(A) No person shall dispose of any snow, leaves, or grass from private property by transferring such snow, leaves or grass to the streets of the City. **(Ord. No. 6806; 12-19-05)**

(B) The City shall remove snow accumulation from the following private streets within the corporate City limits of the City of Belleville, and no other: Elmwood Drive, Linda Vista, Pleasant Hill Drive, Voss Place, Notre Dame Hills, South 21st Street and the 400 Block of South 8th Street.

40-1-17 **BUILDING MATERIALS IN STREET.** The Superintendent of Streets may move any obstruction on any street or sidewalk of the City, but before doing so he shall notify the person responsible therefor to remove such obstruction within a reasonable time after being so notified. Any person engaged in erecting a building or fence or improving any lot on such street, may deposit materials thereon and contiguous to such lot for such length of time as may be necessary for the work. The obstruction shall not extend to more than **one-half (1/2)** of the width of the sidewalk, street or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. Such person shall, at night, keep a red light on such material. **(Sec. 7.28)**

40-1-18 **MERCHANDISE ON SIDEWALKS: DISPLAY.** No clothing, goods, wares, merchandise, signs, boxes or other article or thing shall be placed in the front of any store, shop or other place in the City, or on or above the sidewalk, or in or upon any alley, so as to occupy more than **two (2) feet** next to the buildings or premises on such sidewalk or alley, or of the space above the sidewalk or alley. Any articles or things that may be hung out or placed above the sidewalk, shall be so placed or hung that the lowest point of such article or thing shall be at least **eight (8) feet** above the top of the sidewalk and shall not swing more than **two (2) feet** from the building.

40-1-19 **MERCHANDISE: LOADING OR UNLOADING.** No person receiving or delivering goods, wares or merchandise in the City shall place or keep upon or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he may be receiving or delivering without leaving a passageway clear upon such sidewalk **four (4) feet** wide for the use of pedestrians. No person receiving or delivering such goods shall suffer the same to be or remain on such sidewalk for a longer period than **twenty-four (24) hours**. No person shall have, place or allow to be on any sidewalk in front of any premises owned or occupied by him, for a longer period than **twenty-four (24) hours**, any article, merchandise, or empty containers.

40-1-20 **STREET SOLICITING.** It shall be unlawful for anyone to pass out materials or to solicit on any street in the City. **(Ord. No. 6821; 02-20-06) (Sec. 7.10.01)**

DIVISION II - CARNIVAL, CIRCUS AND RODEO PERMITS

40-1-21 **DEFINITIONS.** The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

(A) **Carnival** means any aggregation of shows or riding devices, games of skill or chance, or any combination of shows and riding devices, or any combination of several enterprises, such as revolving wheels, merry-go-rounds, giant swings, panoramas, musical and theatrical entertainments or riding devices, whether carried on or engaged in or conducted in any field, park or in a building or enclosure, and whether carried on, engaged in or conducted as one enterprise or by several concessionaires, and whether one admission fee is charged for admission to all such shows or entertainments, or separate fee for admission is charged for each amusement.

(B) **Chief of Police** means the Chief Law Enforcement Officer of the Department of Police for the City of Belleville, or his/her designee, responsible for enforcement, inspection of permits, and the investigation of complaints of violations with the provisions of this Division to insure compliance with this Chapter.

(C) **Circus** means a show consisting of acrobats, trained animals, clowns, or similar forms of entertainment that is held in an arena, which may be open air or enclosed in a tent or building.

(D) **Games of Chance** means any game, scheme or procedure whereby cash or **one (1)** or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win, whether such scheme or procedure is called a lottery, raffle, gift sale, game or some other name.

(E) **Games of Skill** means any game or entertainment in which, for a given fee, an individual is required to perform some act, and if successful in the performance of the act, is awarded a prize in the form of a toy, trinket, novelty or other merchandise of any kind.

(F) **Rodeo.** A public competition or exhibition in which skills such as riding broncos or roping calves are displayed, a cattle roundup or an enclosure for keeping cattle that have been rounded up.

40-1-22 **GAMES OF CHANCE.** It shall be unlawful for any person as owner, operator, lessee, manager, officer or agent or in any other capacity, to give, conduct, produce, present or offer any entertainment defined as **games of chance** within the City of Belleville unless allowed by the State of Illinois.

40-1-23 **LENGTH, FREQUENCY OF OPERATION.** No carnival, circus or rodeo, once approved, shall remain in operation in any one location for a period exceeding **five (5) days** nor shall any carnival, circus or rodeo, regardless of operator, locate on one particular site for more than **two (2) times** during any calendar year.

40-1-24 **REQUIRED.** It shall be unlawful for any person as owner, operator, manager, officer or agent, or in any other capacity, to give, conduct, produce, present or offer any entertainments, exhibitions or performances, commonly known as a carnival, circus or rodeo, within the City, except under the permit duly issued in accordance with this Chapter.

This Article does not apply to federal, state, local, City of Belleville, Belleville school district(s), Belleville parochial or private school sponsored or supported carnival, circus or rodeo events.

40-1-25 APPLICATION. A permit to give, conduct, produce or present a carnival, circus or rodeo shall be applied for by the owner or lessee, or the agent of either, of the premises upon which the carnival, circus or rodeo is to take place. Each application shall be in writing on a printed form supplied by the City Clerk and shall contain the following information:

(A) The site or location of the proposed carnival, circus or rodeo and the zoning classification thereof;

(B) A precise description of the kinds of entertainment, exhibitions or performances to be offered and a **diagram** indicating wherein they are to be located on the proposed site;

(C) The name of the owner, lessee, proprietor, operator or manager of the carnival, circus or rodeo, and in addition thereto, the name of the owner, lessee, proprietor, operator or manager of each entertainment, performance or exhibition which collectively make up the carnival, circus or rodeo, and the legal relationship of each to the applicant or the proprietor of the carnival, circus or rodeo;

(D) The number and location of off-street parking spaces, as well as toilet facilities to be used by patrons of the carnival, circus or rodeo, to be indicated on the **diagram** referred to above;

(E) An indication of the dates the carnival, circus or rodeo is to be in operation, and the hours during which the carnival, circus or rodeo is to be open to the public. No carnival, circus or rodeo **shall open before 10:00 a.m. or operate beyond 8:00 p.m. in the City Sunday through Thursday or 10:00 a.m. through 10:00 p.m. Friday and Saturday;**

(F) Current **USDA Class "C" licenses** for any animals appearing at the carnival, circus or rodeo;

(G) A certificate from the St. Clair County Health Department for any food concessions for the length of the event;

(H) All information required by the Illinois Carnival and Amusement Rides Safety Act (**430 ILCS 85/2-1 et seq.**);

(I) Any other information that the City Council shall from time to time determine necessary in making a determination as to whether the application shall be granted.

40-1-26 GAMES OF SKILL. Games of skill shall be permitted under this Chapter, provided, however, that each such game to be offered must be described with specificity on the application submitted.

40-1-27 APPLICATION FEE. Each application for a carnival or circus permit shall be accompanied by a **Five Hundred Dollar (\$500.00) non-refundable fee.**

40-1-28 INSURANCE REQUIREMENTS. Prior to the approval of any application submitted under this Chapter, the applicant shall submit to the City a certificate of insurance with the owner, lessee, proprietor, operator or manager of the carnival, circus or rodeo, as well as those persons acting in a similar capacity with respect to each entertainment, performance or exhibition which collectively make up the carnival, circus or rodeo, as named insureds, or such of them as required by the City Council, and also naming the City of Belleville as an additional insured in an amount of not less than **One Million Dollars (\$1,000,000.00)** covering public liability and property damage, and with **Three Million Dollars (\$3,000,000.00)** aggregate, such policy insuring liability that may arise from the operation or maintenance of the carnival, circus or rodeo or any part thereof.

40-1-29 INDEMNITY OF CITY. The owner, lessee, operator or manager of a carnival, circus or rodeo shall, in addition to the application provided under this Chapter, deliver to the City an agreement in writing holding the City of Belleville harmless from all liability resulting from the operation of the carnival, circus or rodeo, and, further, shall agree to indemnify the City of Belleville from all liability resulting from any injury to patrons, bystanders, passersby or any individual as a result of the operation or maintenance of the carnival, circus or rodeo.

40-1-30 RESTORATION OF PREMISES BY PERMIT HOLDER; PERFORMANCE BOND. The applicant for a carnival, circus or rodeo permit shall restore the premises to the same condition as the premises existed prior to the operation of the carnival, circus or rodeo, including, but not limited to, removal of all facilities and equipment related to the carnival, circus or rodeo, or any part thereof, trash, garbage and miscellaneous debris. To insure performance under this Chapter, the applicant shall submit, prior to approval of any application under this Section, a performance bond in the amount of not less than **Five Thousand Dollars (\$5,000.00)** guaranteeing the restoration of the premises as provided in this Division.

40-1-31 CITY COUNCIL REVIEW AND APPROVAL. Each application submitted under this Chapter, when completed, shall be submitted to the City Clerk with the request that the application be placed on the agenda of the City Council for its review.

The City Council shall have the discretion to grant or deny any application submitted under this Chapter, or any part thereof, on the basis that the carnival, circus or rodeo or any particular entertainment offered as part of the carnival, circus or rodeo is obscene, unsafe, illegal, a fraud on the general public, or because its location would create traffic hazards or noise or otherwise create a nuisance to adjoining property owners, or in some way is detrimental to the health, welfare and safety of the citizens of Belleville as reported to the City Council by the Chief of Police or his/her designee.

40-1-32 INSPECTION ACCESSIBILITY. The Chief of Police, his/her designee, police officers and all other City officials shall have free access to the grounds and all booths, shows and concessions on such grounds at all times to ensure that the carnival, circus or rodeo is in compliance with the provisions of this Chapter and all other applicable City of Belleville ordinances.

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40-1-33 **CARNIVAL, CIRCUS AND RODEO PERMIT REVOCATION.** The Mayor or Chief of Police may revoke a carnival amusement, circus or rodeo permit at any time and demand immediate cessation of the carnival, circus or rodeo based upon violations of this Chapter and the City Code, on-premises criminal acts by the carnival, circus or rodeo employees or when the carnival, circus or rodeo presents an endangerment to public safety.

40-1-34 **CARNIVAL, CIRCUS OR RODEO WORKERS RESIDING ON PREMISES.** No employee, agent or other representative of the carnival, circus or rodeo may live, sleep or otherwise reside on the premises of the carnival, circus or rodeo. This restriction does not apply to overnight security personnel employed by the carnival, circus or rodeo to secure the site and equipment.

40-1-35 **PENALTIES.** The penalty for any violation of the provisions of this Division, excluding **Section 40-1-33**, shall result in a fine of **Five Hundred Dollars (\$500.00)**. The penalty for any subsequent violation of any provisions of this Division, excluding **Section 40-1-33**, shall result in a fine of **One Thousand Dollars (\$1,000.00)**. Any person who knowingly fails to comply with a "cessation demand" under **Section 40-1-33** issued by the Mayor or Chief of Police shall result in a fine of **One Thousand Dollars (\$1,000.00)**.

40-1-36 **VENDOR BACKGROUND CHECKS.** Any vendor given a permit to conduct a carnival, circus or rodeo shall submit a list of their employees along with birth dates and social security numbers and a release form **fourteen (14) days** prior to the start of the event from said employees to allow the Belleville Police Department time to conduct a background, history and sex offender registration of said employee. The Department shall collect a **Fifteen Dollar (\$15.00)** fee to cover the cost of conducting such checks.

40-1-37 **SEVERABILITY.** In the event any section, part or provision of this Division or Chapter shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Division or any remaining part of this Division, other than the part held unconstitutional or invalid.

40-1-38 **STREET VENDORS DURING PARADE.** It shall be unlawful for a mobile vendor to sell goods on a street where a parade is being held during the parade unless said vendor has authorization from the sponsor of the parade. **(Ord. No. 6646; 05-03-04)**

(Ord. No. 7590; 04-02-12)

ARTICLE II - STREET EXCAVATIONS

40-2-1 **INTENT.** This Article is adopted for the purpose of protecting the City's investment in public streets and sidewalks and to improve the safety and welfare of the public in general.

40-2-2 **SCOPE.** This Section shall apply to any person, individual, partnership, business, company, firm, corporation, public utility and non-profit organization, who makes or causes to be made openings, or excavations on any public thoroughfare, or sidewalk within the corporate limits of the City.

40-2-3 **PROCEDURE.** All persons shall obtain a permit in writing for each and every location prior to beginning an opening or excavation on any public thoroughfare, or sidewalk. Permits will be issued by the Building and Housing Office on a printed form supplied by the City.

- (A) The fee for permits within any public right-of-way shall be as follows:
- | | |
|--|------------------------|
| Residential Sanitary Sewer Connection | \$25 each |
| Commercial/Industrial Development | \$100 each |
| Driveway Entrance Construction | \$20 each |
| Utility Company Main Line Installation | \$100 each |
| Utility Company Service and Repairs | \$10 each ⁱ |
| Contractor working for the City | No Charge |

(B) Any person or entity found working on right-of-way without a valid permit in addition to the provisions of **Section 40-2-7** shall pay double the cost of the permit.

40-2-4 **EXCAVATION REQUIREMENTS.** It will be necessary to follow the procedures as outlined below and all applicable Illinois Department of Transportation Standard Specifications when opening, backfilling and patching excavations that are performed on City right-of-way. In case of conflict, this notice shall take precedence. All Article and Section references are to the Current Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, herein referred to as IDOT Standard Specifications.

(A) **Compaction of Backfill Material.** Each excavation in or on a public street, driving surface, curb and gutter or sidewalk, or within **two (2) feet** of a public street, driving surface, curb, gutter, curb and gutter, or sidewalk shall be backfilled per Section 208 of the IDOT Standard Specifications, except as modified herein:

Article 208.02 "Materials" shall be changed to require the use of Coarse Aggregate as specified in Article 704.04 of the IDOT Standard Specifications, and that the coarse aggregate gradation shall be CA06ⁱⁱ. Fine Aggregate will not be allowed for haunching and trench backfill.

Haunching and trench backfill material shall be compacted in according to Method 1, as specified in Article 550.07 of the IDOT Standard Specifications.

Whenever the City Engineer has reasonable cause to believe that backfilling for any excavation is not being done with acceptable materials or is not being adequately compacted, the City Engineer will require tests to determine whether or not the backfill material/compaction technique meets the minimum requirements prescribed. All expense for such tests shall be borne by the permittee.

(B) **A Twelve (12) Inch Bench on All Excavations in Public Streets, Driving Surfaces and Sidewalks is Required.** A **one (1) foot** ledge of undisturbed earth on all **four (4) sides** of the excavation shall be left to support the pavement patch. The **one (1) foot** distance shall be measured from the edge of the subgrade which is disturbed by the vertical excavation.

(C) **Patches in Pavement.**

- (1) All pavement to be patched must first be saw cut to the **full depth** of the pavement. The removal of the pavement shall result in a vertical patch face. If a non-vertical and/or rough face result from the removal process, the permittee will be required to extend the patch to eliminate these problems.
- (2) Patches in concrete pavement shall be placed equal to the thickness of the adjacent pavement but in no case shall a concrete patch be less than **eight (8) inches**. Saw kerfs in concrete pavement to be filled and sealed with either hot poured joint sealer or self leveling polyurethane sealer, limestone color. Edges of all concrete pavement patches and any construction joints within the patch, shall be tooled or sawn to provide an adequate reservoir for joint sealer. Joints to be sealed in the same manner as saw kerfs. Patching technique to be determined by existing pavement type per Article 442.01 class A, B, or C. All patch classes to be placed per Section 442, pavement patching. All concrete for concrete patches shall be a high early strength concrete capable of reaching a compressive strength of 3200 psi within **sixteen (16) hours**. A non-calcium accelerator will be required in all cases. Opening the patch to traffic will be according to Article 701.17(3).
- (3) Where excavations are made in concrete pavements, the pavement area removed will also be controlled by the proximity of existing joints. If the pavement area to be removed is **one (1) foot** or less from a joint, the pavement shall be removed to the existing joint. In no case, however, shall the **one (1) foot** distance required by paragraph (B) be disregarded. If in the removal of pavement an expansion joint is damaged, or removed, it shall be replaced with pre-molded asphaltic expansion joint **one (1) inch** thick. Joint to be sealed per Article 420.05 and 420.12.ⁱⁱⁱ
- (4) Patches in oil and chip surfaces shall be **eight (8) inch** rock and **three (3) inch** hot mix asphalt surface. All asphalt work shall be per Sections 355 and 406. With the permission of the ENGINEER, the permittee may use full depth concrete provided that the concrete is dyed black with an approved concrete dye.
- (5) Patches in areas previously overlain with asphalt streets shall be replaced as follows:
 - (a) Asphalt overlays shall have an asphalt surface equal to the thickness of the existing blacktop surface placed on a concrete base course. The concrete base course shall be the thickness of the original concrete, but not less than **eight (8) inches**. All asphalt work shall be per Sections 355 and 406. With the permission of the ENGINEER, the

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permittee may use full depth concrete provided that the concrete is dyed black with an approved concrete dye. All concrete for concrete base course shall be a high early strength concrete capable of reaching a compressive strength of 3200 psi within **sixteen (16) hours**. A non-calcium accelerator will be required in all cases. Opening the patch to traffic will be according to Article 701.17(3).

- (b) All concrete patches and concrete base course will be tied to the adjacent concrete pavement, curb, gutter, and combination curb and gutter with tie bars and dowel bars according to Section 442 of the Standard Specification and according to current versions of IDOT Standards 420701, 442001 and 442101 or the Belleville standard for concrete patching. The ENGINEER will determine which standard is applicable to the location to be patched prior to issuing a permit.
- (c) Patches in asphalt streets shall match the existing pavement structure, but in no case shall asphalt thickness be less than **eight (8) inches**, with **six (6) inches** being base course and **two (2) inches** surface course. Base course to be per Section 355. Surface course to be per Section 406.
- (6) Written notification shall be given the City Engineer **forty-eight (48) hours** prior to pouring or placing any permanent street patches.
- (7) Temporary patches for the convenience of traffic movement must be placed. They shall be made with a good quality of bituminous patching material properly placed, thoroughly rolled to optimum compaction and of sufficient thickness to bear the type of traffic using the street. The individual or company holding the excavation permit shall be responsible to insure that the temporary patch is properly maintained. Temporary patching may not be left in place longer than **fourteen (14) days**^{iv}. After removal of the temporary patch and prior to placing the permanent repair, the aggregate sub base shall be re-graded and re-compacted. **Under no circumstances may aggregate be used for a temporary driving surface.**
- (8) Any pavement markings and/or raised reflective pavement markers that are removed with the patch shall be replaced with material of the same type as the material removed. Pavement markings shall be installed according to Section 780 of the Standard Specifications. Raised reflective pavement markers shall be installed according to Section 781 of the Standard Specifications.

(D) **Sidewalk Replacement.** Sidewalk shall be sawn full depth at nearest joint. (See IDOT Article 424.07 for placement of expansion.)

Where sidewalks are perpendicular to curb, or parallel and restricted on side opposite curb, a **one (1) inch** preformed expansion joint filler shall be inserted by curb before sidewalk replacement.

Expansion joint filler shall be equal to "**Homex-Plus**" with bond breaker.

After removal of top filler, expansion joint shall be sealed with polyurethane sealant, limestone color, equal to "**Sonolastic**" SLI or SL2.

Where street signs occur in sidewalk to be replaced, a **four (4) inch** diameter plastic pipe shall be placed centered on sign, full depth of sidewalk. Void around post shall be filled with cold patch and compacted.

Where meter posts occur in sidewalk to be replaced, poles shall be isolated in a 1 foot X 1 foot square with expansion joint on square's perimeter. Pole shall have a minimum 1 foot diameter X 1 foot deep foundation poured around it below bottom of sidewalk grade.

(E) **Curb, Gutter and Combination Curb and Gutter Patches.** Curbs, gutters and combination curb and gutter are to be cut full depth and full width and carefully removed as to insure a vertical edge.

Where a patch occurs at a pavement expansion joint or no existing expansion device is within **fifty (50) feet** of patch, a **one (1) inch** thick preformed expansion joint filler, cut to curb cross section shall be inserted and a **one and one-quarter (1 1/4) inch** diameter, **eighteen (18) inches** long, smooth coated dowel bar, greased or fitted with endcap providing a minimum of **one (1) inch** expansion be installed. The curb, gutter, and combination curb and gutter shall be tied to adjacent concrete pavement or concrete base course according to the current version of IDOT Standard 606001.

Expansion fillers shall be equal to "**Homex-Plus**" with bond breaker.

After removal of top filler strips expansion joints shall be sealed with polyurethane sealer, limestone color equal to "**Sonolastic**".

Saw kerfs resulting from cutting operation will be remedied as in ordinance **Section 402-4(C)(2)**.

Requirements of the Illinois Accessibility Code shall be adhered to at all times. If a ramp is built on one corner another shall be built on opposite corner. Ramps shall be constructed per IDOT Standard 2356-2.

(F) **Traffic Control.** All excavation areas shall be properly barricaded and lighted for the protection of the general public.

The individual or company holding the excavation permit shall be responsible to insure that traffic control is maintained per applicable IDOT standards.

(G) **Brick Surfaces.** Notwithstanding the previous portions of this notice, where excavations are made in brick surfaces, the surface shall be replaced with brick or an approved concrete stamp with the same color and texture. Restoration techniques shall be those prescribed by the City Engineer.

(H) **Clean Up.** As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock, and other debris resulting from such work. All clean up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the City Engineer. From time to time as needed, and in any event immediately after completion of said work, the permittee shall at his own expense clean up and remove all refuse and unused materials of any kind resulting from said work. Failure to do so within **twenty-four (24) hours** after having been notified by the City Engineer, will result in the City Engineer having the work done and the cost thereof charged to the permittee.

(I) **Lawn Restoration.** At locations where it is necessary to excavate in lawns that are in public right-of-way the persons making the excavation will complete the restoration in the following manner:

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- (1) **Backfill.** Excavation shall be backfilled within **twelve (12) inches** of final grade as per (A) Compaction of Backfill Material. The final **twelve (12) inches** shall be of compacted top soil.
- (2) **Turf or Grass Areas.** At the request of the City and adjacent property owners, sod of the type and quality that existed prior to excavation, will be replaced.
- (3) **Decorative Rock and Miscellaneous Landscaping Material.** At the request of the City and the adjacent property owners, decorative rock, and other landscaping material of the type and quality that existed prior to excavation, will be replaced.
- (4) **Trees and Shrubs.** At the request of the City and the adjacent property owners, trees and shrubs of the type and quality that existed prior to excavation will be replaced. City Engineer to make the final determination based on "Clear Zones", sewer locations and public safety. City Engineer to consult with City Forester as to acceptable planting types

40-2-5 **RESPONSIBILITY.** Any person shall provide such bond, insurance, or other legal financial guarantee that will save the City harmless from any and all damages real or personal, directly or indirectly resulting from excavations made in public thoroughfares and sidewalks. Written evidence of surety bond will be acceptable assurance for damage responsibility.

40-2-6 **NOTIFICATION.** Any person shall notify the City Engineer **forty-eight (48) hours** prior to backfilling an excavation and request approval thereof and a second notification shall be given **forty-eight (48) hours** prior to constructing the permanent patch.

40-2-7 **PENALTY.** Any person failing to comply with any part of the foregoing regulations shall be subject to a fine of not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)** for each and every violation.

40-2-8 **FITNESS OF APPLICANT.** No permit shall be granted to any person who is in any respect delinquent in the payment of moneys herein provided for, or who, in the judgment of the Mayor, is unfit or unqualified to engage in the class of work herein provided for.

40-2-9 **ANNUAL BOND.** Any person desiring to file an annual bond may do so by filing the same in the sum of **Fifty Thousand Dollars (\$50,000.00)**. The bond shall cover all damages as mentioned herein.

40-2-10 **CLOSING STREET.** Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley or public place temporarily closed to traffic and the placing of signs indicating that by the orders of

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the Mayor, such street, alley or public place is closed. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner destroy, deface or remove any such sign.

40-2-11 **OBSTRUCTING WORK IN STREETS.** Whenever any street, alley or public place is being improved under any contract with the City, it shall be unlawful for any person to destroy, injure, carry away, remove or interfere with any of the material or appliances used in or about the work, or impede, obstruct or interfere with the execution of the work or destroy or damage any of the work or materials which may have been placed by the contractor.

40-2-12 **BARRIERS AND LIGHTS.** Whoever digs or causes to be dug, any ditch or excavation in or adjoining any street, sidewalk or other public place, shall erect a suitable barrier about such excavation and during the night keep a sufficient number of yellow lights at such excavation and the earth therefrom.

40-2-13 **LIGHTS ON MATERIALS IN STREET.** Every object standing on a street, alley or public place within the City other than a vehicle shall have a lighted yellow light thereon at night.

40-2-14 **INTERFERENCE WITH BARRIERS AND LIGHTS.** No person shall remove or interfere with any barrier, warning sign or light placed in any street for the protection of the public.

40-2-15 **REGISTRATION FOR STREET EXCAVATION CONTRACTORS.**
(A) **Required.** Any firm, person or corporation who intend to excavate in a public right-of-way or perform sanitary sewer work beyond **five (5) feet** of the exterior wall of any building shall cause his name, residence, and place of business to be registered with the City, along with the telephone number of said business.

(B) **Bond.** Each person required to register shall give bond to the City in the sum of **Fifty Thousand Dollars (\$50,000.00)**, conditioned upon a full indemnity to the City may be liable by reason of:

- (1) failure of any firm, person or corporation to observe ordinances of the City pertaining to excavation in a public right-of-way or perform sanitary sewer work beyond **five (5) feet** of the exterior wall of any building;
- (2) failure of the person to observe all rules and regulations established under the authority of any ordinances of the City pertaining to excavation in a public right-of-way or perform sanitary sewer work beyond **five (5) feet** of the exterior wall of any building;
- (3) negligence of the person or his employees in performing or protecting any street excavation, sewer work beyond **five (5) feet** of the building or right-of-way areas.

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(C) Each person or firm prior to registering under this Section shall have a minimum policy of liability insurance in the amount of **Five Hundred Thousand Dollars (\$500,000.00)** and shall present proof of said insurance to the City. The City must be listed as an additional insured on the liability insurance.

The bond shall be renewed annually in the event of the impairment of the surety. The bond may be written by a surety company, or may be secured by a deposit of cash or United States government securities in the amount of the bond and shall be filed with the City Clerk.

No firm, person or corporation having obtained a bond with the City shall allow his name or his business name to be used by another person or company either for the purpose of obtaining permits or for street excavations work under this Code.

(Ord. No. 7087; 02-19-08)

ARTICLE III - STREET GRADES

40-3-1 **CITY DATUM ESTABLISHED.** The elevation of the City datum shall be a plane measured **97.60 feet** below the top of a bronze cap of an iron post set in concrete walk at the northeast corner of the St. Clair County Court House yard in the City of Belleville, Illinois, said cap being marked as follows, "U.S. Geological B. M. Survey Prim. Trav. Sta. No. 15 ADJ 531 feet Elevation above Sea Datum" the top of said cap being **529.411 feet** above mean sea level. **(Sec. 7.01(a))**

40-3-2 **RECORD OF BENCHES AND ELEVATIONS.** It shall be the duty of the City Engineer to have accurate standard elevations and City bench marks established from, and referring to the City Hall Bench, and after they have been ratified and confirmed by the City Council to make and keep a careful and complete record of such standard and elevation marks. He shall also make and keep a record of all the street grades heretofore and hereafter established by the City Council. From the elevations given in said records all public and private improvements shall be contained in said records shall be the legal and only standard representing city datum. **(Sec. 7.01(b))**

40-3-3 **DEFACEMENT OF BENCH MONUMENTS.** It shall be unlawful for any person to cover up, conceal, deface, obliterate, or in any manner to injure, erase, disfigure or change the location of any of the concrete standard bench monuments established by the City. Any person who shall violate any of the provisions of this Section shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Two Hundred Dollars (\$200.00)** for each offense. **(Sec. 7401(c))**

40-3-4 **GRADE ORDINANCES.** All ordinances fixing the grades of streets in the City shall be referred to the City Engineer and may be passed by the City Council only upon the recommendation of the City Engineer. **(Sec. 7.01(d))**

40-3-5 **STREET LINES.** Street grades shall be established along the curb lines of the streets, and shall run in a straight line from the established grade at any street intersection to the established grade at the intersection of the next street thereto, or to any established street grade between the intersection of such streets. The term "intersection of streets" means the intersection of curb lines and curb lines projected at all intersecting and abutting streets. **(Ord. #1532) (Sec. 7.01(e))**

ARTICLE IV - HOUSE NUMBERING

40-4-1 **REQUIRED.** All buildings constructed within this City shall, at the expense of the owner thereof, be provided with a number in manner as hereinafter provided.

40-4-2 **NUMBERING SYSTEM.** The odd numbers shall apply to the north and west sides of the streets, and the even numbers shall apply to the south and east sides of the streets. On all streets running in an easterly and westerly direction the numbering shall commence with No. 1 at Illinois Street, and shall increase east and west at the rate of 100 numbers for each block as nearly as the varying series of streets will admit of, thus Second, Eleventh, Church, Walnut and Abend Streets and their continuations north and south shall be rectified lines of uniformity in numbering east and west. On all streets running in a northerly and southerly direction the numbering shall commence at Main Street and increase in these directions at the rate of 100 numbers for each block as nearly as the varying series of streets will admit, thus "C", Scheel, Garfield, McKinley, Van Buren Streets and their connection easterly and westerly direction, shall be rectified lines of uniformity in numbering in a northerly and southerly direction. The general rule shall be that 100 numbers shall represent each block going east and west from Illinois Street and north and south from Main Street.

40-4-3 **ASSIGNMENT OF NUMBERS.** In numbering buildings, **twenty (20) feet** shall be allowed for each number on Main Street, and **twenty-five (25) feet** for each number on all other streets throughout the City. In cases of doubt, the City Engineer shall designate and assign the proper number to any building in accordance with this Section. His designation shall be final.

40-4-4 **POSITION.** The occupant of every building shall place the number at a point on the premises which is plainly visible from the street.

40-4-5 **CHANGE.** The City Engineer shall change existing building numbers whenever such change is necessary or justifiable and he shall confer with the postmaster in deciding on changes. When the City Engineer decides to change an existing number he shall notify the occupant in writing of such change and shall further notify such occupant that the occupant must place the new number in view as required by this Section within **fifteen (15) days** of the date of the mailing or personal service of such notice.

40-4-6 **NEW BUILDING.** Every applicant for a building permit shall furnish the Building Commissioner with a legal description of the premises concerning which the building permit is desired and upon the granted thereof the Building Commissioner shall designate a building number for any new construction.

40-4-7 **PENALTY.** Whoever violates any provision of this Section shall be fined in a sum not less than **Seventy-Five Dollars (\$75.00)** nor more than **Two Hundred Fifty Dollars (\$250.00)**. (Ord. No. 7207; 12-15-08)

ARTICLE V - TREE CODE

40-5-1 **TITLE.** This Article shall be known and may be cited as the Tree Code.

40-5-2 **DEFINITIONS.** For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meaning herein given.

(A) The word "shall" is always mandatory and not merely suggested.

(B) The "City" means the City of Belleville.

(C) When not inconsistent with the context, words of the masculine gender shall include the feminine and words of the feminine gender shall include the masculine; words used in the plural number shall include the singular number and words used in the singular number shall include the plural number; words used in the future tense shall include the present and words in the present tense shall include the future.

(D) The terms "Superintendent of Parks" means the person authorized to exercise the powers granted to him by this Code.

(E) The word "person" means any person, firm, partnership, association, corporation, company or organization of any kind.

(F) The word "tree" or "street tree" includes any tree, shrub, bush and other woody vegetation in a public place or on private property as indicated by subsequent provisions of this Code.

(G) "Park trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names and all areas owned by the City, or to which the public has free access as a park.

(H) The words "public place" means any public street, public highway, public park, and any property owned or held by the City of Belleville within the boundaries of said City.

(I) The words "arboriculture", "management", or "preservation" mean the treating, spraying, pruning, and any other tree care work intended for the preservation of trees and the removal and prevention of the tree pests, blights and diseases of any and all kinds.

40-5-3 **THE URBAN FOREST DIRECTOR.** The Superintendent of Parks shall by virtue of his office be the Urban Forest Director.

40-5-4 **ESTABLISHMENT OF A CITY TREE BOARD.** There is hereby created and established a City Tree Board, which shall consist of **five (5) members**, who shall be appointed by the Mayor with the approval of the Council. The Urban Forester shall serve as a non-voting member providing support to the tree board.

(A) **Term of Office.** The **five (5) citizen members** of the board shall be appointed by the Mayor for a term as hereinafter provided or until their successors are appointed. **Two (2) elector members** shall be appointed for the term of **one (1) year** and **three (3) elector members** shall be appointed for a term of **two (2) years**, respectively. Thereafter, the term will be **three (3) years**.

(B) **Compensation.** Members of the Board shall serve without compensation.

(C) **Duties and Responsibilities.** In working with the Urban Forest Director, it shall be the responsibility of the Board to study, investigate, counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive City tree plan for the City. The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of questions within the scope of its work.

(D) **Operation.** The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

40-5-5 POWERS AND DUTIES OF THE URBAN FOREST DIRECTOR.

(A) The Urban Forest Director is hereby given complete authority, control and supervision of all trees which now or which may hereafter exist upon any public place in this City and over all trees which exist upon any private property in this City when such trees are in such a hazardous condition as to affect adversely the public health, safety and welfare.

(B) **Specific Powers and Duties.**

(1) **Preservation and Removal of Trees on Public Property.**

The Urban Forest Director shall have the right and duty to prune, preserve or remove any tree or other plant existing upon any public place when such tree, or part thereof, is infected with any injury, fungus, insect or other plant disease or when such tree, or part thereof, constitutes an interference with travel. Said Director is further authorized to take such measures with regard to such trees or plants as he deems necessary to preserve the function and to preserve or enhance the beauty of such public place.

(2) **Order to Preserve or Remove Trees on Private Property.**

The Urban Forest Director shall have the authority and it shall be his duty to order the pruning, preservation or removal of trees or plants upon private property when such trees constitute a public nuisance or when he shall find such action necessary to preserve the public health, safety and welfare.

(a) Any dead, dangerous, or diseased tree insofar as it affects the public health, comfort, safety and welfare is hereby declared a public nuisance dangerous to life and limb. For the purposes of this Code, a dead tree is any tree with respect thereto that the Urban Forest Director or his designated agent has determined that no part thereof is living; a dangerous tree is any tree, or part thereof, living or dead, which the said Urban Forest Director or his designated agent shall find is in such a condition and is so located as to constitute a danger to persons or property on public space in the vicinity of said tree; a diseased tree shall be any tree on private property in such a condition of infection from a major pathogenic disease as to constitute, in the opinion of the said Urban Forest Director or his designated agent, a threat to the health of any other tree.

- (b) **Specific Species as a Public Nuisance.** Any trees, such as ailanthus, silver maple, poplar, boxelder, catalpa or willow whose roots penetrate through or under the surface of any public place in the City, is hereby declared to be an undesirable species of tree for street planting.
- (c) **Obstructions as a Public Nuisance.** Any hedge, tree, shrub or other growth situated at the intersection of **two (2)** or more streets, alleys or driveways in the City is hereby declared to be a public nuisance to the extent that such hedge, tree, shrub or other growth obstructs the view of the operator of any motor vehicle with regard to other vehicles or pedestrians approaching or crossing the said intersection.
- (d) **Minimum Clearances** of any overhanging portions of any hedge, tree or shrub shall be **nine (9) feet** above sidewalks and **twelve (12) feet** above streets.

(C) **Authority of Urban Forest Director to Enter on Private Premises.**

The Urban Forest Director or any designated member of his staff shall have the authority to enter upon private premises at any and all reasonable times to examine any tree or shrub located upon or over such premises and to carry out the provisions of the Code when, in his opinion, the tree or shrub may constitute a public nuisance or hazard.

(D) **Desirable and Undesirable Plant Lists.**

The Urban Forest Director shall provide lists of trees desirable in this list may be planted as Street Trees without written permission of the City Tree Board. These lists are defined in the Urban Forestry Inventory as included in Exhibit "A" of this Code.

(E) **Delegation of Duties and Authority.**

In the exercise of all or any of the powers herein granted, the Urban Forest Director shall have the authority to delegate all or part of his powers and duties with respect to supervision and control to his subordinates and assistants in the employ of the City, as he may from time to time determine. Such subordinates or assistants may be appointed by the Urban Forest Director as he deems expedient. He may at any time remove them from office.

(F) **Supervision.**

The Urban Forest Director or his appointed officer shall have the authority and it shall be his duty to supervise work done under a permit issued in accordance with terms of this Code.

40-5-6 URBAN FOREST MANAGEMENT PLAN ADOPTED.

This is hereby adopted for the City of Belleville a Street Tree Inventory Plan Public Document showing species of all trees existing or to be planted in the public right-of-way of all streets within the City. Said Street Tree Inventory Plan is attached to this Code and is hereby incorporated by reference. No person shall hereafter plant, transplant or remove any public tree on or to any street of the City except on a location where it will be in conformation to the Street Tree Inventory Plan and the species and variety therein designated.

40-5-7 GENERAL TREE REGULATIONS.

(A) **Injury to Trees Prohibited.**

No person shall, without the written permission from the Urban Forest Director in the case of a public tree, do or cause to be done to others, any of the following acts:

- (1) Secure, fasten or run any rope, wire, sign or other device or material to, around, or through a tree.
- (2) Break, Injure, mutilate, deface, kill or destroy or permit any fire to burn where it will injure any tree.
- (3) Permit any toxic chemical, gas, smoke, brine, oil or other injurious substance to seep, drain or to be emptied upon or about any tree.
- (4) Excavate any ditch or trench in such a manner as to adversely affect the health of a tree or damage the root system.
- (5) Erect, alter, repair or raze any building or structure without placing suitable guards around all nearby trees which may be injured or defaced by or where said injury or defacement may arise out of, in connection with or by reason of such operation.
- (6) Knowingly permit any uninsulated electric transmission or distribution wires to come in prolonged contact with any public tree.
- (7) Remove any guard, stake or other device or material intended for the protection of any public tree or close or obstruct any open space about the base of a public tree designed to permit access of air, water and fertilizer.

(B) **Moving Trees.** All moving of trees upon any public place in this City made necessary by the moving, construction or razing of a building or structure by any other private enterprise shall be done under the supervision of the Urban Forest Director at the expense of the applicant. Such applicant, as one of the conditions of obtaining such permission, shall deposit with the City such sum in cash as the Urban Forest Director may determine and specify to cover all the costs of moving and replacement thereof; provided, however, that in lieu of such cash deposit the Urban Forest Director may, at his discretion, accept a good and sufficient bond in like amount conditioned upon the payment of all the costs of such moving and replacing.

(C) **Spacing.** The spacing of street trees will be in accordance with the tree species size classes listed in the Street Tree Inventory (attached), and no trees may be planted closer together than the following: small trees, **thirty (30) feet**; medium trees, **forty (40) feet**; and large trees, **fifty (50) feet**; except in the special plantings designed or approved by a landscape architect and subject to the approval of the City Tree Board.

(D) **Distance from Curb and Sidewalks.** The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the **three (3) species** size classes listed in the Street Tree Inventory (attached) of this Code, and no trees may be planted closer to any curb or sidewalk than the following: small trees, **two (2) feet**; medium trees, **three (3) feet**; and large trees, **four (4) feet**.

(E) **Distance From Street Corners and Fireplugs.** No street tree shall be planted closer than **thirty-five (35) feet** of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than **ten (10) feet** of any fireplug.

(F) **Utilities.** No street trees other than those species listed as small trees in the Street Tree Inventory (attached) of this Code may be planted under or within **ten (10) lateral feet** of any overhead utility wire pole or over or within **five (5) lateral feet** of any underground water line, sewer line, transmission line or other utility. No street tree may be planted within **ten (10) lateral feet** of any utility pole.

(G) **Public Tree Care.** The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the line of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board or the Urban Forest may request the Street Department to remove any tree or part thereof which is in an unsafe condition, thereof which by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this Code.

(H) **Tree Topping.** It shall be unlawful, as a normal practice, for any person, firm or City department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions may be exempted from this Code at the determination of the City Tree Board.

(I) **Pruning, Corner Clearance.** Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of **nine (9) feet** above sidewalks and **twelve (12) feet** above the surface of the street. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or obstructs the view of any street intersection.

(J) **Dead or Diseased Tree Removal on Private Property.** The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects of disease which constitute a potential threat to other trees within the City. The City Tree Board or Designated City Department will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within **sixty (60) days** after the date of service of notice. For a hazardous condition the owner will have **fourteen (14) days** to correct.

(K) **Penalty.** In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and placed a lien on the owner's property to recover all costs incurred. Until such bills or liens are paid in full, no occupancy permits will be issued by the City of Belleville.

(L) **Removal of Stumps.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

40-5-8 ASSESSMENT ORDINANCE. Those costs incurred by the City which constitute a special assessment as authorized by the Code of the City of Belleville, shall become a lien upon the property as of the date of the filing of the certificate of expenditure within the City Council. If such lien shall remain unpaid at the expiration of **two (2) years** from the date of the filing of the certificate, the property may be sold for taxes in the same manner as property sold for general real estate taxes.

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40-5-9 **PENALTY.** Any person violating any of the provisions of this Code shall be deemed and held guilty of a misdemeanor and upon conviction, shall be fined in any sum not less than **Twenty-Five Dollars (\$25.00)**, nor more than **Five Hundred Dollars (\$500.00)**, and/or may be imprisoned for a period not to exceed **sixty (60) days**.

40-5-10 **INTERFERENCE WITH CITY TREE BOARD.** It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents while engaging in and about the inspection, planting, cultivation, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this Code.

40-5-11 **REVIEW BY CITY COUNCIL.** The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

(Ord. No. 5363; 03-06-95)

ARTICLE VI - SIGNS AND AWNINGS

40-6-1 **SIGNS ACROSS STREETS.** No person shall place any sign, advertisement, or banner across any street or alley in the City without first having obtained permission from the City Council.

A majority vote of the City Council shall be required to grant permission to place any sign, advertisement or banner over or across any street or alley in the City.

No such sign, advertisement or banner shall be permitted to remain over or across any street or alley in the City for a period of longer than **sixteen (16) days**; and any such sign, advertisement or banner giving notice of an event will be removed within **forty-eight (48) hours** after the taking place of that event. **(Ord. No. 3231; 06-04-74) (See Sign Code)**

40-6-2 **POSTS OR AWNINGS.** No person shall, in the City, without written permission from the Mayor, set up or cause to be set up any awning or other post on any street, alley or sidewalk or suspend or put up any awning less than **eight (8) feet** in height above the sidewalk, or any sign, sign box or fixture, which shall extend over or upon any sidewalk, or suspend any merchandise or other articles in front of any house more than **two (2) feet** from the wall thereof, and so that any part of the same shall be less than **eight (8) feet** above the ground or pavement.

40-6-3 **SIGNS ON POLES.** No person shall nail, tack, paste, paint, or fasten, or cause to be nailed, tacked, pasted, painted or fastened, any sign or any other foreign substance or material onto any telegraph, telephone, electric light, police and fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds, or injure or deface any such pole or post. **(See Sign Code)**

ARTICLE VII - FENCES

40-7-1 **BARBED WIRE FENCES.** No person shall build or cause to be built, constructed or kept upon or along the line of any street, alley or sidewalk within the City, a fence consisting either in whole or in part of barbed wire.

40-7-2 **SPITE FENCES.** No person shall erect, construct or maintain any partition or division fence or any section or portion thereof which exceeds **four and one-half (4 1/2) feet** in height above the surface of the ground for the first **fifty (50) feet** back from the front of street line of the lot or lots; and no partition or division fence shall be constructed of such height or in such a manner as to interfere with the access of light or air to any dwelling house or place used as a permanent habitation.

40-7-3 **HEIGHT.** No person shall erect, construct or maintain any fence which exceeds **five (5) feet** in height above the surface of the ground upon any lot or tract of ground where the fence is adjacent or abuts any street in the City.

40-7-4 **ELECTRIC FENCES.** No person shall erect or maintain anywhere in the City a fence equipped with any electric charge sufficient to cause shock. (**Ord. No. 3227; 05-20-74**)

40-7-5 **FENCE.** A hedge, structure, or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates. An enclosure about a field or other space, or about any object; especially an enclosing structure of wood, iron or other materials, intended to prevent intrusion from without or straying from within. (**Ord. No. 7197; 10-20-08**)

(For More on Fences See Zoning Code)

ARTICLE VIII - STREET LIGHTS AND FIRE HYDRANTS

40-8-1 STREET LIGHTS - LOCATION, SPACING AND LUMENS. Street lights are to be located at the front of the property only. After the date of the adoption of this policy by the City Council, spacing between the street lights shall be no less than **two hundred (200) feet**. Standards and procedures for spacing and measurement shall be adopted and performed under the direction of the City Engineering Department. The standard street light shall be 7200 lumen mercury vapor lamp (175 watt). This standard may be modified by recommendation of the City Engineer to the City Council.

40-8-2 EXCEPTIONS - LUMENS. A street light may be installed when a location is designated, in writing, as a location or area of special concern by the Chief of Police, the City Engineer and the Mayor.

40-8-3 HISTORIC DISTRICT DESIGNATION LIGHTING POLICY. The historic district in the City of Belleville shall be exempt under this Section. However, the following regulations shall apply to the Historic District in the City of Belleville:

(A) Local historic district boundaries shall be outlined with a "period" light post containing low wattage bulbs and a sign with the district name. Said light post shall be placed at the intersection of the historic district and shall include **two (2) light poles** placed opposite from one another to represent entries into the district. The light fixtures are not intended to provide street light but rather to highlight a district's boundaries.

(B) The light poles shall enhance the effect of the historic district neighborhood with an attempt to compliment the spirit of historic preservation. The "period" street lights shall signify properties which are subject to additional restrictions to protect property values and the architectural and historical significance of structures within the local historic district.

40-8-4 REQUEST PROCEDURE. Requests for street lights are to be made to the City Clerk by an alderman in the ward in which the light is located. The request shall be on a form prescribed by the City Clerk and the City Engineer. After the request is made on the form prescribed by the City Clerk and City Engineer, the matter shall come before the City Council and any addition of a street light pursuant to this Section shall be with the approval of the City Council.

40-8-5 APPEALS PROCEDURE. An alderman may appeal a decision regarding spacing or areas of special concerning by submitting the appeal request in writing to the Utilities Committee. The Utilities Committee shall consider the request and make a recommendation to the City Council for their affirmation or denial.

40-8-6 FIRE HYDRANTS. Fire hydrants shall be located as designated by the Fire Chief under standards established by the National Fire Protection Association. Exceptions to these standards shall be permitted only with the approval of the City Engineer and Mayor.

40-8-7 FIRE HYDRANTS - APPEALS. Appeals to decisions of the location of fire hydrants shall be made in writing by an alderman to the Police and Fire Committee. The Police and Fire Committee shall consider the request and make a recommendation to the City Council for their affirmation or denial.

(Ord. No. 5706; 03-03-97)