

CITY OF NOKOMIS

FILED
NOV 20 2017
Sandy Litchner COUNTY CLERK

ORDINANCE NO. 2044

AN ORDINANCE AMENDING SECTION 33-5-1
OF THE REVISED CODE OF ORDINANCES
OF THE CITY OF NOKOMIS, ILLINOIS

PASSED BY THE CITY COUNCIL
OF THE
CITY OF NOKOMIS

THIS 13TH DAY OF NOVEMBER 2017

**Published in pamphlet form by authority of the City Council of the City of
Nokomis, Montgomery County, Illinois, this 14th day of November 2017.**

Ordinance No. 2044

**AN ORDINANCE AMENDING SECTION 33-5-1
OF THE REVISED CODE OF ORDINANCES
OF THE CITY OF NOKOMIS, ILLINOIS**

WHEREAS, it is deemed to be in the best interests of the residents of the City of Nokomis, Montgomery County, Illinois to amend Section 33-5-1 of the code;

WHEREAS, upon Motion duly made and seconded, the following is adopted by the City Council:

WHEREAS, Section 33-5-1 of the Revised Code of Ordinances **currently** states as follows:

ARTICLE V - STREET IMPROVEMENTS

33-5-1 SIDEWALKS.

(A) **Grade.** No sidewalk shall be built above or below the established grade of the City and in all cases where no grade is established, any person building a sidewalk shall build the same according to the instructions of the Street Superintendent and the City Council.

(B) **Permit.** It shall be unlawful for any person to build, lay or construct any sidewalk along any property in the City or along any of the streets, alleys, or public highways thereon, without first obtaining permission from the Street Superintendent to do so.

(C) **Cost to Owner.** If the funds are available and the City Council approves the request, the property owner shall pay the cost of the concrete and thereafter, the sidewalk shall be constructed by the City. The cost of construction shall not include any engineering fees; these shall be paid by the City.

(D) **Subdivisions.** This Section is not applicable to new subdivisions.

(See 65 ILCS Sec. 5/11-80-13)

BE IT ORDAINED, that the above-mentioned paragraphs shall be deleted from the City Code.

BE IT ORDAINED that the following shall amend and replace Section 33-5-1 of the Revised Code of Ordinances of the City of Nokomis as follows:

ARTICLE V - STREET IMPROVEMENTS

33-5-1 SIDEWALKS.

(A) **Repair.** Any property owner who desires a sidewalk be replaced or repaired shall contact the City Clerk to have their name and location of the sidewalk put on a list. It is the duty of the Street Superintendent to inspect the sidewalk and determine the needs and conditions thereof. The Mayor, Street Commissioner, or City Council, upon recommendation of the Street Superintendent, shall determine the need for such repair and the time frame for said repairs. The demolition and cost of construction shall be paid by the City.

(B) **Cost to Owner.** In the event a property owner wishes to have a sidewalk replaced or repaired before the City determines the need for replacement or repairs, the property owner shall first obtain a permit. The property owner is responsible for the cost of the demolition, concrete and construction. The sidewalk shall be constructed according to the instructions of the Street Superintendent. The cost of construction shall not include any engineering fees; these shall be paid by the City.

(C) **Permit.** It shall be unlawful for any person to tear out, build, lay or construct any sidewalk along any property in the City or along any of the streets, alleys, or public highways thereon, without first obtaining permission from the Street Superintendent and Street Commissioner to do so.

(D) **Grade.** No sidewalk shall be built above or below the established grade of the City and in all cases where no grade is established, any person building a sidewalk shall build the same according to the instructions of the Street Superintendent and Street Commissioner.

(E) **Subdivisions.** This Section is not applicable to new subdivisions. **(See 65 ILCS Sec. 5/11-80-13)**

(F) **Penalties.** Any person who violates this Code by tearing out an existing sidewalk without first obtaining a permit will be ticketed for Criminal Damage of Government Supported Property **(See 720 ILCS 5/21-1.01)**. A violation of this criminal code is a Class 4 felony when the damage to property is \$500.00 or less; or a Class 3 felony when the damage to property exceeds \$500.00 but does not exceed \$10,000.00.

BE IT ORDAINED, this Amendment shall be published in pamphlet form and take effect thereafter.

Passed by the City Council and approved by the Mayor of the City of Nokomis, Illinois this 13th day of November, 2017.



Terry Hill, Mayor

(CORPORATE SEAL)

ATTEST:



Angela Keagy, City Clerk

STATE OF ILLINOIS)
) SS
MONTGOMERY COUNTY)

CERTIFICATION

I, Angela Keagy, certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois.

I further certify that on November 13, 2017 the City Council of such municipality passed and approved Ordinance No. 2044, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2044, including the Ordinance and a cover sheet thereof, was prepared and posted in the Municipal Complex commencing on November 14, 2017, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request to the City Clerk.

Dated at Nokomis, Illinois, this 13th day of November, 2017.



ANGELA KEAGY, CITY CLERK