



Ordinances and Resolutions Passed - 12/3/2019

Ordinance Number	Agenda Number
467-12-19	2019-484 - AN ORDINANCE AUTHORIZING THE PURCHASE OF FIVE DEFIBRILLATORS PLUS ACCESSORIES AND SPARE PARTS FROM ZOLL MEDICAL CORPORATION IN AN AMOUNT NOT TO EXCEED \$163,138.30 FOR THE SPRINGFIELD FIRE DEPARTMENT
468-12-19	2019-485 - AN ORDINANCE AUTHORIZING EXECUTION OF A PRELIMINARY ENGINEERING AGREEMENT FOR THE CHURCHILL ROAD BRIDGE OVER THE OLD JACKSONVILLE BRANCH (MFT SECTION 19-00487-00-BR) (SN 084-6000) WITH WHKS & CO ENGINEERING IN AN AMOUNT NOT TO EXCEED \$198,952.00 FOR THE OFFICE OF PUBLIC WORKS
469-12-19	2019-489 - AN ORDINANCE AUTHORIZING A THREE-YEAR CONTRACT WITH BANNER FIRE EQUIPMENT FOR PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT, INC. CONSISTING OF COATS AND PANTS, WITH THE POTENTIAL OF A 3% INCREASE ON JANUARY 1ST EVERY YEAR FOR THE NEXT THREE YEARS, FOR AN AMOUNT NOT TO EXCEED \$270,000.00 FOR THE SPRINGFIELD FIRE DEPARTMENT
470-12-19	2019-490 - AN ORDINANCE AUTHORIZING AN AGREEMENT WITH HSHS MEDICAL GROUP TO ADMINISTER DRUG AND ALCOHOL TESTING FOR POTENTIAL NEW HIRES AND FOR CURRENT EMPLOYEES IN COMPLIANCE WITH FEDERAL REGULATIONS AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$80,000.00 FROM JANUARY 1, 2020, THROUGH DECEMBER 31, 2022, FOR THE OFFICE OF HUMAN RESOURCES
471-12-19	2019-493 - AN ORDINANCE APPROVING CHANGE ORDER NO. 1 AND AUTHORIZING ADDITIONAL FUNDING IN AN AMOUNT OF \$31,479.00 WITH TOSHIBA AMERICAN ENERGY SYSTEMS CORPORATION FOR THE INSPECTION AND MAINTENANCE OF THE DALLMAN POWER PLANT UNIT NO. 4 TURBINE FOR A TOTAL AMOUNT PAYABLE OF \$231,879.00 FOR THE OFFICE OF PUBLIC UTILITIES
472-112-19	2019-494 - AN ORDINANCE APPROVING A CONTRACT EXTENSION AMENDMENT AND AUTHORIZING ADDITIONAL FUNDING IN THE AMOUNT OF \$220,000.00 WITH ASCEND PERFORMANCE MATERIALS OPERATIONS LLC FOR THE PURCHASE OF DIBASIC ACID IN A TOTAL AMOUNT NOT TO EXCEED \$1,540,000.00, FOR THE OFFICE OF PUBLIC UTILITIES
473-12-19	2019-488 - AN ORDINANCE LEVYING AND ASSESSING TAXES TO PARTIALLY FUND THE STATUTORY CONTRIBUTION OF THE POLICE AND FIRE PENSION FUNDS
474-12-19	2019-491 - AN ORDINANCE AMENDING CHAPTER 110 OF THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, PERTAINING TO CABLE AND VIDEO SERVICE PROVIDER AND PEG FEES
475-12-19	2019-492 - AN ORDINANCE AMENDING CHAPTER 170 OF THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, REQUIRING THE POSTING OF "NO TRESPASS" SIGNS ON UNSAFE AND DANGEROUS AND/OR BOARDED PROPERTY



Ordinances and Resolutions Passed - 12/3/2019

Ordinance Number	Agenda Number
RES. 035-19	2019-486 - A RESOLUTION NOTIFYING THE STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION THAT MOTOR FUEL TAX FUNDS, IN THE AMOUNT OF \$198,952.00, MAY BE USED FOR THE CHURCHILL ROAD OVER THE OLD JACKSONVILLE BRANCH, MFT SECTION NO. 19-00487-00-BR, FOR THE OFFICE OF PUBLIC WORKS

467-12-19

AN ORDINANCE AUTHORIZING THE PURCHASE OF FIVE DEFIBRILLATORS PLUS ACCESSORIES AND SPARE PARTS FROM ZOLL MEDICAL CORPORATION IN AN AMOUNT NOT TO EXCEED \$163,138.30 FOR THE SPRINGFIELD FIRE DEPARTMENT

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, the Springfield Fire Department desires to purchase five defibrillators plus spare parts from Zoll Medical Corporation; and

WHEREAS, the City Purchasing Agent has made a determination, in writing, that Zoll Medical Equipment is a sole source vendor for this purchase and, therefore, is exempt from the provisions of the City Purchasing Code requiring sealed competitive bidding pursuant to the exceptions contained in Section 38.40 pertaining to Sole Source Procurement; and

WHEREAS, pursuant to the above determination, the City Purchasing Agent recommends purchase of five defibrillators plus accessories plus spare parts from Zoll Medical Equipment in an amount not to exceed \$163,138.30 for the Springfield Fire Department.

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

Section 1: That the City Council hereby authorizes the purchase of five defibrillators plus spare parts from Zoll Medical Equipment for an amount not to exceed \$163,138.30 for the Springfield Fire Department. The Mayor and City Clerk are hereby authorized to execute any necessary documents on behalf of the City of Springfield.

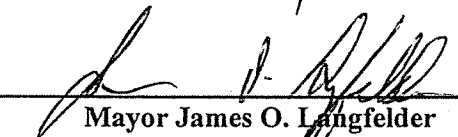
Section 2: That the Office of Budget and Management is hereby authorized to make payment to Zoll Medical Equipment (0ZOL2900) in an amount not to exceed \$163,138.30 from account 094-107-GENC-FLTM-1505.

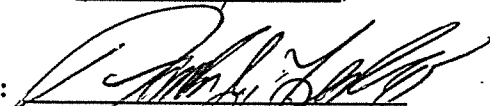
Section 3: That this ordinance shall become effective immediately upon its passage and recording by the City Clerk.

PASSED: Dec 3, 2019

SIGNED: Dec 4, 2019

RECORDED: Dec 4, 2019


Mayor James O. Langfelder

ATTEST: 
City Clerk Frank J. Lesko

Approved as to legal sufficiency:

Requested by: Mayor James O. Langfelder


Office of Corporation Counsel / Date

468-12-19

**AN ORDINANCE AUTHORIZING EXECUTION OF A PRELIMINARY
ENGINEERING AGREEMENT FOR THE CHURCHILL ROAD BRIDGE
OVER THE OLD JACKSONVILLE BRANCH (MFT SECTION 19-00487-00-
BR) (SN 084-6000) WITH WHKS & CO ENGINEERING IN AN AMOUNT
NOT TO EXCEED \$198,952.00 FOR THE OFFICE OF PUBLIC WORKS**

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, this contract involves the professional engineering services of WHKS & Co Engineering for the Churchill Road Bridge over the Old Jacksonville Branch (MFT Section No. 19-00487-00-BR) (SN084-6000) in an amount not to exceed \$198,952.00 for the Office of Public Works; and

WHEREAS, the agreement is for the replacement of Churchill Road Bridge over the Old Jacksonville Branch. The bridge is south of Jefferson Street, along Churchill Road, south of Illinois Department of Health Care and Family Services; and

WHEREAS, Chapter 38, Section 38.48(b) of the 1988 City of Springfield Code of Ordinances, as amended, provides any contract in excess of \$15,000.00 entered into by the City shall read substantially as follows: "This contract does not authorize an expenditure of City funds in excess of the amount authorized by the city council unless the city council specifically approves an additional expenditure. The contractor agrees and acknowledges that absent such prior approval it proceeds at its own risk with no guarantee of payment if the amount billed to the City exceeds the amount authorized by the city council"; and

WHEREAS, the State of Illinois is requesting a waiver of this provision for this Agreement; and

WHEREAS, the City Purchasing Agent has made a determination that this contract is exempt from the provisions of the City Purchasing Code requiring sealed competitive bidding pursuant to the exceptions contained in Section 38.42 pertaining to Professional Services; and

WHEREAS, the agreement shall be located in the Office of the City Clerk.

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

Section 1: That the City Council hereby authorizes execution of an agreement with WHKS & Co Engineering for preliminary engineering services for the Churchill Road Bridge over the Old Jacksonville Branch (MFT Section No. 19-00487-00-BR) (SN084-6000) in an amount not to exceed \$198,952.00 for the Office of Public Works. The Mayor and City Clerk are authorized to execute any necessary documents on behalf of the City of Springfield.

Section 2: That the City Council hereby authorizes a waiver of Chapter 38, Section 38.48(b) of the 1988 City of Springfield Code of Ordinances, pursuant to contracts in excess of \$15,000.00.

Section 3: That the Office of Budget and Management is hereby authorized to make payment to WHKS & Co Engineering in the amount of \$198,952.00 from account number 041-110-GAST-STRS-2306 upon satisfactory performance of the agreement.

Section 4: That this ordinance shall become effectively immediately after its passage and recording by the City Clerk.

PASSED: Dec 3, 2019

SIGNED: Dec 4, 2019

RECORDED: Dec 4, 2019

James O. Langfelder
Mayor James O. Langfelder

ATTEST: Frank J. Lesko
City Clerk Frank J. Lesko

Approved as to legal sufficiency:

Requested by: Mayor James O. Langfelder

James O. Langfelder
Office of Corporation Counsel / Date

468-12-19

469-12-19

AN ORDINANCE AUTHORIZING A THREE-YEAR CONTRACT WITH BANNER FIRE EQUIPMENT FOR PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT, INC. CONSISTING OF COATS AND PANTS, WITH THE POTENTIAL OF A 3 % INCREASE ON JANUARY 1ST EVERY YEAR FOR THE NEXT THREE YEARS, FOR AN AMOUNT NOT TO EXCEED \$270,000.00 FOR THE SPRINGFIELD FIRE DEPARTMENT

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, the Springfield Fire Department desires to purchase personal protective equipment consisting of coats and pants for Springfield firefighters; and

WHEREAS, Banner Fire Equipment, Inc. is willing to provide this equipment over a three year period for an amount not to exceed \$270,000.00 with a potential of a 3% price increase on January 1st of each year of the three-year period; and

WHEREAS, the City Purchasing Agent has made a determination, in writing, that Banner Fire Equipment, Inc. is a sole source vendor for this purchase and, therefore, is exempt from the provisions of the City Purchasing Code requiring sealed competitive bidding pursuant to the exceptions contained in Section 38.40 pertaining to Sole Source Procurement; and

WHEREAS, pursuant to the above determination, the City Purchasing Agent recommends purchase of personal protective equipment from Banner Fire Equipment, Inc. for an amount not to \$270,000.00 over a three-year period for the Springfield Fire Department.

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

Section 1: That the City Council hereby authorizes the purchase of personal protective equipment consisting of coats and pants from Banner Fire Equipment, Inc. for an amount not to exceed \$270,000.00 for a three-year period with the potential of a 3% price increase on January 1st of each year for the Springfield Fire Department. The Mayor and City Clerk are hereby authorized to execute any necessary documents on behalf of the City of Springfield.

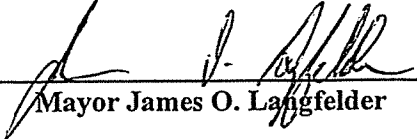
Section 2: That the Office of Budget and Management is hereby authorized to make payment to Banner Fire Equipment, Inc. (0BAN2475) in an amount not to exceed \$270,000.00 over a three year period from account 001-108-FIRE-FOPR-1414.

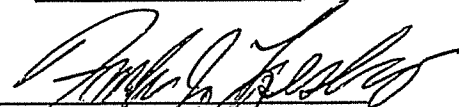
Section 3: That this ordinance shall become effective immediately upon its passage and recording by the City Clerk.

PASSED: Dec 3, 2019

SIGNED: Dec 4, 2019

RECORDED: Dec 4, 2019


Mayor James O. Langfelder

ATTEST: 
City Clerk Frank J. Lesko

Approved as to legal sufficiency:

Requested by: Mayor James O. Langfelder


Office of Corporation Counsel / Date

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH HSHS MEDICAL GROUP TO ADMINISTER DRUG AND ALCOHOL TESTING FOR POTENTIAL NEW HIRES AND FOR CURRENT EMPLOYEES IN COMPLIANCE WITH FEDERAL REGULATIONS AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$80,000.00 FROM JANUARY 1, 2020, THROUGH DECEMBER 31, 2022, FOR THE OFFICE OF HUMAN RESOURCES

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, the City has the authority, pursuant to the laws of the State of Illinois, to enter into contractual agreements with third parties for the purpose of achieving a drug free workplace; and

WHEREAS, the City has contracted with HSHS Medical Group to administer specific drug and alcohol drug testing services such as pre-employment testing, random testing, reasonable cause testing, post-accident testing, follow-up testing, blind sample testing, and return to duty testing from January 1, 2020 through December 31, 2022, in an amount not to exceed \$80,000.00; and

WHEREAS, it is in the best interest of the City of Springfield to enter into an Agreement with HSHS Medical Group pertaining to drug and alcohol testing services; and

WHEREAS, the City Purchasing Agent has made a determination that these services are exempt from the provisions of the City Purchasing Code requiring sealed competitive bidding because it is neither practicable nor advantageous pursuant to Section 38.38 regarding Competitive Sealed Proposals and has also determined that requirements of 38.38(b) have been satisfied; and

WHEREAS, HSHS Medical Group has submitted a proposal and is willing and able to provide these services for a two-year period commencing on January 1, 2019, for a total amount not to exceed \$80,000.00; and

WHEREAS, said agreement shall be located in the Office of the City Clerk.

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

Section 1: The City Council of the City of Springfield, Illinois, hereby approves and authorizes the execution of a contract agreement between the City of Springfield, Illinois, and HSHS Medical Group pertaining to drug and alcohol testing in the workplace in order to be in compliance with federal regulations. The Mayor and the City Clerk are hereby authorized and empowered to execute said agreement which shall be located in the Office of the City Clerk.

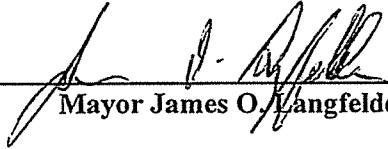
Section 2: The Office of Budget and Management is hereby directed to make payment to HSHS Medical Group in an amount not to exceed \$80,000.00 from Account No. 001-106-HUMN-ADMN-1219.

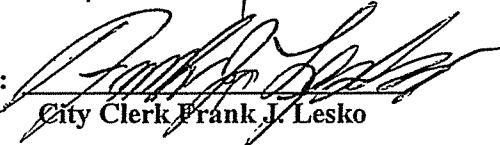
Section 3: This ordinance shall become effective immediately upon its passage.

PASSED: Dec 3, 2019

SIGNED: Dec 4, 2019

RECORDED: Dec 4, 2019


Mayor James O. Langfelder

ATTEST: 
City Clerk Frank J. Lesko

Approved as to legal sufficiency:

Requested by: Mayor Langfelder

 / 1
Office of Corporation Counsel / Date

471-12-19

No. GFE-255

AN ORDINANCE APPROVING CHANGE ORDER NO. 1 AND
AUTHORIZING ADDITIONAL FUNDING IN AN AMOUNT OF \$31,479.00
WITH TOSHIBA AMERICAN ENERGY SYSTEMS CORPORATION FOR THE
INSPECTION AND MAINTENANCE OF THE DALLMAN POWER PLANT
UNIT NO. 4 TURBINE FOR A TOTAL AMOUNT PAYABLE OF \$231,879.00
FOR THE OFFICE OF PUBLIC UTILITIES

WHEREAS, Ordinance 107-03-19 authorized a contract with Toshiba American Energy Systems Corporation ("Toshiba") in the total amount not to exceed \$200,400.00 for the inspection and maintenance of the Dallman Power Plant Unit No. 4 turbine, and

WHEREAS, during the valve maintenance work, it was discovered that the reheat intercept valve seat had cracks the required a weld repair, and

WHEREAS, such circumstances were not reasonably foreseeable at the time of the original contract, and

WHEREAS, this ordinance authorizes an additional \$31,479.00 payable under the contract.

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

Section 1. The Council of the City of Springfield, Illinois, hereby approves an additional expenditure in an amount not to exceed Thirty-One Thousand Four Hundred Seventy-Nine Dollars and No Cents (\$31,479.00).

Section 2. The Mayor and the City Clerk are hereby authorized and empowered to execute all necessary documents with regard to said funding increase, including all necessary change orders, on behalf of the City of Springfield Office of Public Utilities.

Section 3. The payment to Toshiba, for the total maximum amount of Two Hundred Thirty-One Thousand Eight Hundred Seventy-Nine Dollars and No Cents (\$231,879.00) from Account Nos. 102-100-CAA-7712-1205 is hereby authorized, approved and directed.

Section 4. This Ordinance shall become effective immediately upon its passage and recording with the City Clerk.

PASSED: Dec 3, 2019

RECORDED: Dec 4, 2019

ATTEST: [Signature]

SIGNED: Dec 4, 2019

[Signature]
MAYOR

Approved as to legal sufficiency:

[Signature]
Office of the Corporation Counsel/Date

Requested by the Office of Public Utilities/Mayor Langfelder

472-12-19

AN ORDINANCE APPROVING A CONTRACT EXTENSION AMENDMENT AND
AUTHORIZING ADDITIONAL FUNDING IN THE AMOUNT OF \$220,000.00 WITH
ASCEND PERFORMANCE MATERIALS OPERATIONS LLC FOR THE PURCHASE OF
DIBASIC ACID IN A TOTAL AMOUNT NOT TO EXCEED \$1,540,000.00,
FOR THE OFFICE OF PUBLIC UTILITIES

WHEREAS, previously Ordinance No. 472-12-16 authorized a three-year contract for the purchase of dibasic acid (DBA) from Ascend Performance Materials Operations LLC ("Ascend") for an amount not to exceed \$1,320,000.00, and

WHEREAS, this ordinance accepts the amendment for a contract extension to June 30, 2020 and authorizes an additional \$220,000.00 payable under the contract to cover this extended time-frame, and

WHEREAS, DBA is used at the Dallman Power Station Flue Gas Desulfurization Systems to enhance the use of limestone in neutralizing sulfur dioxide in the flue gas emissions, and

WHEREAS, currently the utility is performing trials for alternatives to the use of DBA, additional time is needed to complete these trials, and

WHEREAS, in accordance with the provisions of Section 38.40 of the City Code, the Purchasing Agent has previously determined that this contract is not subject to sealed competitive bidding because Ascend is the only source from which the Utility can purchase liquid 50% dibasic acid for the Dallman scrubbers.

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

Section 1. The Council of the City of Springfield, Illinois, hereby authorizes an contract amendment for an extension of said contract to June 30, 2020 and approves an additional expenditure in an amount not to exceed Two Hundred Twenty Thousand Dollars and No Cents (\$220,000.00) for purchase of DBA from Ascend, per the agreement authorized previously by Ordinance No. 472-12-16, and

Section 2. The Mayor and the City Clerk are hereby authorized and empowered to execute any necessary documents with Ascend on behalf of the City of Springfield Office of Public Utilities.

Section 3. The Payment to Ascend for the total maximum amount of One Million Five Hundred Forty Thousand Dollars and No Cents (\$1,540,000.00) from Account No. 102-100-CABS-7707-1418 is hereby authorized, approved and directed.

Section 4. This Ordinance shall become effective immediately upon its passage and recording with the City Clerk.

PASSED: Dec 3, 2019

SIGNED: Dec 4, 2019

RECORDED: Dec 4, 2019

ATTEST: [Signature]

[Signature]
MAYOR

Approved as to legal sufficiency:

[Signature]
Office of the Corporation Counsel/Date
Requested by the Office of Public Utilities/Mayor Langfelder

473-12-19

**AN ORDINANCE LEVYING AND ASSESSING TAXES TO PARTIALLY FUND THE
STATUTORY CONTRIBUTION OF THE POLICE AND FIRE PENSION FUNDS**

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, the Illinois Pension Code requires the City to annually levy a tax upon all taxable property within the City, to meet the annual actuarial requirements of the Police and Firefighters' Pension Funds, which shall be in addition to the amounts authorized to be levied for general corporate purposes under Section 8-3-1 of the Illinois Municipal Code, and the City Council now desires to levy and collect taxes for such additional purposes.

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

Section 1: (a) The annual actuarial requirements of the Firefighters' Pension Fund, as determined by an enrolled actuary employed by the City, pursuant to Section 4-118 of the Illinois Pension Code, when added to deductions from salaries or wages of firefighters and revenues available from other sources, is twelve million four hundred fifty-three thousand seven hundred eighty (\$12,453,780) dollars.

Pursuant to Section 4-118 of the Illinois Pension Code, there is hereby levied the sum of is twelve million four hundred fifty-three thousand seven hundred eighty (\$12,453,780) dollars upon all taxable property subject to taxation within the City, at the fair cash value as the same is equalized or assessed by the Department of Revenue of the State of Illinois, for State and County purposes, as follows:

Firefighters' Pension Fund
001-108-FIRE-PENS-1182

Retirement-City Portion \$12,453,780

Said tax shall be in addition to any other sums herein levied and shall be in addition to all other taxes authorized by Section 8-3-1 of the Illinois Municipal Code.

(b) The annual actuarial requirements of the Police Pension Fund, as determined by an enrolled actuary employed by the City, pursuant to Section 3-125 of the Illinois Pension Code, when added to deductions from salaries or wages of police officers and revenues available from other sources, is ten million nine hundred twelve thousand six hundred eighteen (\$10,912,618) dollars.

Pursuant to Section 3-125 of the Illinois Pension Code, there is hereby levied the sum of ten million nine hundred twelve thousand six hundred eighteen (\$10,912,618) dollars upon all taxable property subject to taxation within the City, at the fair cash value as the same is equalized or assessed by the Department of Revenue of the State of Illinois, for State and County purposes, as follows:

Police Pension Fund
001-112-POLC-PENS-1181

Retirement-City Portion \$10,912,618

The levy amounts in Sections (a) and (b) shall be equally adjusted to produce a rate, which will cause the cumulative rate to equal .9385%, upon the aggregate valuation of all property within the corporate limits of the City of Springfield subject to taxation, as the property is equalized or assessed by the Illinois Department of Revenue.

Section 2: Whenever there is not sufficient money in the Treasury of the City to meet and defray all necessary expenses and liabilities payable therefrom, warrants against and in anticipation of the tax or taxes levied by this ordinance for the purpose or purposes for which there is not sufficient money shall be drawn by the Mayor and the Director of the Office of Budget and Management and shall be endorsed by the City Treasurer and shall be delivered by the Director of the Office of Budget and Management to the individual, partnership, corporation, group or association advancing to the City cash to the full face value and account of such warrant or warrants. Such warrant or warrants shall be issued in the amount actually required to meet and defray such expenses and liabilities but shall in no case exceed seventy-five percent (75%) of the total of the tax or taxes so anticipated.

The cash received by the City from the issuance and delivery of any such tax anticipation warrant or warrants shall be deposited in the City Treasury and in general or special funds thereof into which such taxes, when collected, are respectively payable. Any such warrant or warrants when issued shall show upon their face they are payable in the numerical order of their issuance solely from the taxes against which they are drawn and tax or taxes against which said warrants are drawn, when collected, shall be set apart and held for the payment of such warrants.

Section 3: The City Clerk of the City shall file with the County Clerk of the County of Sangamon, State of Illinois, a certified copy of this ordinance and the County Clerk shall ascertain the rate per cent which, upon the total value of all property subject to taxation within the City of Springfield, at the fair cash value as the same is equalized or assessed by the Department of Revenue of the State of Illinois, for State and County purposes, for the current statutory contributions for the Police and Firefighters' Pension Funds, will produce the net amounts levied by this ordinance and ordered certified. Provided, however, if said rate does not equal .9385%, then the adjustment provided for in Section 1 of this ordinance shall be made. The County Clerk shall then extend the tax upon the books of the collector of State and County taxes within the City as provided by law.

Section 4: This tax levy ordinance is adopted pursuant to the procedure set forth in the Illinois Municipal Code and the City of Springfield's home rule power as set forth in Section 6 of Article VII of the Illinois Constitution of 1970. Any tax rate limitation, other substantive or procedural limitations, or provisions of state law in conflict with this ordinance shall not be applicable to this ordinance pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

Section 5: This ordinance shall become effective immediately after its passage and recording.

PASSED: Dec 3, 2019

RECORDED: Dec 4, 2019

ATTEST: [Signature]
City Clerk Frank J. Lesko

SIGNED: Dec 4, 2019

[Signature]
Mayor James O. Langfelder

Approved as to legal sufficiency:

Requested by: Mayor James O. Langfelder

[Signature]
Office of Corporation Counsel / Date

473-12-19

474-12-19

**AN ORDINANCE AMENDING CHAPTER 110 OF THE 1988 CITY OF
SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, PERTAINING TO
CABLE AND VIDEO SERVICE PROVIDER AND PEG FEES**

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, Chapter 110 of the 1988 City of Springfield Code of Ordinances, as amended, pertains to Cable and Video Service Provider and PEG Fees; and

WHEREAS, Cable and Video Service Providers may under state statute file with the Illinois Commerce Commission instead of obtaining a franchise agreement with the City to use the public ROW is in the best interests of the City to amend Chapter 110 as shown on attached Exhibit "A."

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

Section 1: That the City Council hereby amends Chapter 110 of the 1988 Springfield City Code of Ordinances, as amended, as shown on attached Exhibit "A".

Section 2: That the City Clerk is hereby directed to publish this ordinance in pamphlet form.

Section 3: That this ordinance shall become effective after its passage, recording and publication in pamphlet form.

PASSED: Dec 3, 2019

RECORDED: Dec 4, 2019

ATTEST: [Signature]
City Clerk Frank J. Lesko

SIGNED: Dec 4, 2019

[Signature]
Mayor James O. Langfelder

Approved as to legal sufficiency:

[Signature]
Office of Corporation Counsel / Date

Requested by: Mayor Langfelder

Exhibit A

ARTICLE VII. - CABLE TELEVISION AND VIDEO SERVICE PROVIDER AND PEG FEES

§ 110.095. - ~~Community antenna television system.~~ Cable and Video Service

No person shall own, conduct, engage in, maintain, operate, carry on, or manage any ~~community antenna television system~~ cable and video service without obtaining a franchise for the ~~community antenna television system~~ from the city or a State-issued authorization.

~~State Law reference— Authority of municipalities to license, franchise, and tax the business of operating a community antenna television system, 65 ILCS 5/11-42-11.~~

§ 110.096. - CABLE AND VIDEO SERVICE PROVIDER FEE

1. DEFINITIONS.

As used in this Chapter, the following terms are defined as follows:

Act. The Cable and Video Competition Law of 2007, 220 ILCS 5/21-100 et seq., as amended.

Cable operator. As defined in 47 USC § 522(5), as amended: "any person or group of persons (a) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (b) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system."

Cable service as defined in 47 USC § 522(6), as amended: "(a) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and (b) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service."

Commission. The Illinois Commerce Commission.

Gross revenues. All consideration of any kind or nature, including, without limitation, cash, credits, property and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the city's jurisdiction.

(a) Gross revenues shall include the following:

1. Recurring charges for cable service or video service;
2. Event based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges;
3. Rental of set top boxes and other cable service equipment;
4. Service charges related to the provision of cable service or video service, including, but not limited to, activation, installation, and repair charges;
5. Administrative charges related to the provision of cable service or video service, including, but not limited to, service order and service termination charges;

6. Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments;
7. A pro rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the city's jurisdiction. The allocation shall be based on the number of subscribers in the city divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement;
8. Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a home shopping or similar channel;
9. In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business;
10. The service provider fee permitted by section 21-801(b) of the act, as amended.

(b) Gross revenues do not include any of the following:

1. Revenues not actually received, even if billed, such as bad debt, subject to section 21-801(c)(1)(vi) of the act, as amended;
2. Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the state-issued authorization to the extent the refund, rebate, credit or discount is attributable to cable service or video service;
3. Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable or video service, including, without limitation, revenue received from telecommunications services, information services, or the provision of directory or internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to non-cable service or nonvideo service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders;
4. The sale of cable service or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the city's jurisdiction and pay the fee permitted by section 21-801(b) of the act, as amended, with respect to the service;
5. Any tax or fee of general applicability imposed upon the subscribers or the transaction of the city, state, federal or any other governmental entity and collected by the holder of the state issued authorization and required to be remitted to the taxing entity, including sales and use taxes;
6. Security deposits collected from subscribers;

7. Amounts paid by subscribers to home shopping or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

(c) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by section 21-801(b) of the act, as amended, which would otherwise be paid by the cable service or video service.

Holder. A person or entity that has received authorization to offer or provide cable or video service from the commission pursuant to section 21-401 of the act, as amended.

Incumbent cable operator a person or entity that provided cable services or video services in a particular area under a franchise agreement with the city pursuant to 5 ILCS 5/11-42-11, as amended.

PEG. Public, education and governmental.

PEG access fee. The amount paid under section 21-801(d) of the Act, as amended, by a holder to the city for the service areas within the city's territorial jurisdiction.

Public rights of way. The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easements dedicated for compatible uses.

Service. The provision of cable service or video service to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to section 21-401 of the Act.

Service provider. A person or entity that provides cable service or video service.

Service provider fee. The amount paid under section 21-801 of the Act, as amended, by a holder to the city, for service areas within the city's territorial jurisdiction.

Video programming as defined in 47 USC 522(20), as amended.

Video service. Video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public rights of way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 USC 332(d), as amended, or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

2. PAYMENT OF SERVICE PROVIDER FEE REQUIRED.

(A) Pursuant to the act, any holder offering cable service or video service on a commercial basis shall be liable for and pay a service provider fee to the City.

- (B) The service provider fee shall be five percent (5%) of gross revenues, or the same as the fee paid to the City by an incumbent cable operator providing cable service.
- (C) Any holder shall notify the City at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the City.
- (D) The holder shall be liable for and pay the service provider fee to the City. The holder's liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Chapter by the holder. The ordinance adopting this Chapter shall be sent by mail, postage prepaid, to the address listed on the holder's application notice to the City sent pursuant to 220 ILCS 5/21-401(b)(6), as amended.
- (E) The payment of the service provider fee shall be due on a quarterly basis, forty five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- (F) The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the City pursuant to which a fee is paid.
- (G) An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c), as amended, with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes pursuant to this Section.

3. PAYMENT OF PEG ACCESS FEE REQUIRED.

- (A) Pursuant to the Act, any holder offering cable service or video service on a commercial basis shall be liable for and pay a PEG access fee.
- (B) The PEG access fee shall be no less than: 1) one percent (1%) of gross revenues, or 2) if greater, the percentage of gross revenues that incumbent cable operators pay to the City or its designee for PEG access support in the City's jurisdiction.
- (C) The PEG access fee shall be due on a quarterly basis and paid forty five (45) days after the close of the calendar quarter. Each payment shall include a statement explaining the basis for the calculation of fees. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- (D) An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c), as amended, shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that Section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that that operator owes pursuant to this Section.

4. NO IMPACT ON OTHER TAXES DUE FROM HOLDER.

Nothing contained in this Chapter shall be construed to exempt a holder from any tax that is or may later be imposed by the City, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the City's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

5. AUDITS OF CABLE/VIDEO SERVICE PROVIDER.

- (A) The City will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the City imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recompute any amounts determined to be payable under the requirements of the City. If all local franchises between the City and cable operator terminate, the audit requirements shall be those adopted by the City pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq., as amended. No acceptance of amounts remitted should be construed as an accord that the amounts are correct.
- (B) Any additional amount due after an audit shall be paid within thirty (30) days after the City's submission of an invoice for the sum.

6. PENALTIES.

All fees due and payments which are past due shall be governed by ordinances adopted by the City pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq., as amended.

7. SEVERABILITY.

The provisions and Sections of this Chapter shall be deemed separable, and the invalidity of any portion of this Chapter shall not affect the validity of the remainder.

§ 110.097 - CABLE AND VIDEO SERVICE CUSTOMER PROTECTION STANDARDS SECTION:

1. STANDARDS ADOPTED.

- (A) The regulations of the Illinois Cable and Video Customer Protection Law, 220 ILCS 5/7-0-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the City's boundaries.
- (B) Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Chapter shall be incorporated into this Chapter by reference and shall be applicable to cable or video providers offering services within the City's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Chapter by reference without formal action by the corporate authorities of the City.

2. ENFORCEMENT.

The City does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the City.

3. PENALTIES.

The City, pursuant to 220 ILCS 5/7-0-501(r)(1), as amended, does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed seven hundred fifty dollars (\$750.00) for each day of the material

474-12-19

breach, and shall not exceed twenty five thousand dollars (\$25,000.00) for each occurrence of a material breach per customer.

(A) "Material breach" means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the Cable and Video Protection Law.

(B) The City shall give the cable or video provider written notice of any alleged material breaches of the Cable and Video Protection Law and allow such provider at least thirty (30) days from the receipt of the notice to remedy the specified material breach.

(C) A material breach, for the purposes of assuming penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in Subsection (B) of this Section.

4. CUSTOMER CREDITS.

The City hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/7-0-501(s), as amended, and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

5. SEVERABILITY.

The provisions and Sections of this Chapter shall be deemed separable, and if any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provisions or applications thereof.

475-12-19

**AN ORDINANCE AMENDING CHAPTER 170 OF THE 1988 CITY OF
SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, REQUIRING THE
POSTING OF "NO TRESPASS" SIGNS ON UNSAFE AND DANGEROUS
AND/ OR BOARDED PROPERTY**

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, Chapter 170 of the 1988 City of Springfield Code of Ordinances, as amended, pertains to the building regulations in the City; and

WHEREAS, it is in the best interests of the City to amend Chapter 170 as shown on attached Exhibit "A."

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

Section 1: That the City Council hereby amends Chapter 170 of the 1988 Springfield City Code of Ordinances, as amended, as shown on attached Exhibit "A".

Section 2: That the City Clerk is hereby directed to publish this ordinance in pamphlet form.

Section 3: That this ordinance shall become effective after its passage, recording and publication in pamphlet form.

PASSED: Dec 3, 2019

RECORDED: Dec 4, 2019

ATTEST: [Signature]

City Clerk Frank J. Lesko

SIGNED: Dec 4, 2019

[Signature]
Mayor James O. Langfelder

Approved as to legal sufficiency:

[Signature]
Office of Corporation Counsel / Date

Requested by: Alderman Gregory

Exhibit A

§ 170.16.15. - Demolition of unsafe and dangerous buildings.

- (a) When a building inspector determines that a building, or any part thereof, is:
 - (1) An imminent danger to the public health, safety or welfare;
 - (2) Open and vacant and an immediate and continuing hazard to the community; or
 - (3) Unsafe and dangerous, the department may take appropriate actions described in this section.
- (b) Whenever a dangerous building, or any part thereof, is in such condition that it is an imminent danger and when a milder or slower method of abating the danger would be inadequate to preserve the public health, safety or welfare, the department may declare that there is an emergency and take immediate action, including but not limited to demolition, to abate the danger or prevent impending injury. Notice of the emergency and the action taken, and/or required to be taken, shall be given to the owner as soon as possible thereafter.
- (c) When the department determines that a residential or commercial building, including any accessory building or structure, is open and vacant and an immediate and continuing hazard to the community in which the building is located, the department shall be authorized to post a notice not less than two feet by two feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed providing it has no more than two code violations, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished by the city. Owner shall post a "No trespass" sign. The department may also post a "No trespass" sign on the property. When a "No trespass" sign has been posted under this section, the City may at its discretion act in the place of the owner of the property to enforce trespass laws under the City of Springfield Code of ordinances.
 - (1) Not later than 30 days following the posting of the notice, the city shall do the following:
 - i. Cause to be sent, by certified mail, return receipt requested, a Notice Remediate to all owners of record of the property, the trustee of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the municipality to demolish the building if action is not taken by the owner or owners.
 - ii. Cause to be published, in a newspaper published or circulated in the City of Springfield where the building is located, a notice setting forth (A) the permanent tax index number and address of the building, (B) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (C) a statement that the municipality intends to demolish the building if the owner or owners fail to remedy the code violations. This notice shall be published for three consecutive days.
 - iii. Cause to be recorded the Notice to Remediate in the Office of the Recorder of Deeds for Sangamon County, Illinois.
 - (2) Any person of record, having legal interest in the property, who objects to the proposed actions of the city, may file an objection in an appropriate form in a court of competent jurisdiction and serve a copy upon the office of Corporation Counsel for the City of Springfield.
 - (3) If the building is not demolished, repaired, or repaired and enclosed, and the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed in accordance with city code requirements, within 30 days of mailing the notice to the owners of record, or within 30 days of the last day of publication of the notice, whichever is later the City of Springfield shall have the power to demolish the building.
 - (4) The city may proceed to demolish the building under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition is necessary to remedy the immediate and continuing hazard. If however, before the

department proceeds with any of the actions authorized by this subsection, any person having a legal interest in the property, has sought a hearing under this subsection before a court and has served a copy of the complaint on the office of Corporation Council of the City of Springfield, then the city shall not proceed with the demolition until the court determines that action is necessary to remedy the hazard and issues an order authorizing the city to do so.

- (d) When the department determines that a building is unsafe and dangerous, the department shall be authorized to do the following:
- (1) Post a notice not less than two feet by two feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired or enclosed providing it has no more than two code violations or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that any unsafe and dangerous condition no longer exists, then the building may be demolished by the city. Owner shall post a "No trespass" sign. The department may also post a "No trespass" sign on the property. When a "No trespass" sign has been posted under this section, the City may at its discretion act in the place of the owner of the property to enforce trespass laws under the City of Springfield Code of ordinances.
- (2) A "notice to repair or demolish" the unsafe and dangerous building in question shall be sent by the department to any party of record appearing to have an interest in the dangerous building. The "notice to repair or demolish" shall:
- Describe the specific building or buildings that were determined to be unsafe and dangerous.
 - Specify any deficiencies in the building or buildings that are causing the building or buildings to be unsafe and dangerous.
 - Allow 15 days for the repair or demolition of the building or buildings.
- (3) The "notice to repair or demolish" shall be executed by the department and shall be sent by regular first-class mail, postage prepaid, to any party of record appearing to have an interest in the building. In the case of a trust, the notice shall be sent to the trustee who has a fiduciary duty to notify all beneficiaries of the trust. The "notice to repair or demolish" shall be sent to the last known address of a party with an interest in the building. A due diligent search shall be made to find the last known address of a party when the last known address is not readily ascertainable. Sufficient service shall constitute depositing the notice in the United States mail, postage prepaid. Where, upon due diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this section and no further publication notice is required.
- (4) The department may file a complaint in the circuit court requesting the demolition of an unsafe and a dangerous building by the owner in cases where the department is of the opinion that demolition is appropriate. The department may file such a complaint at any time after mailing the notice to repair or demolish described in subsection 170.16.15(d) herein but may not apply for an order to demolish the property until the 15-day notice to repair or demolish period has expired.
- (5) In cases where the department is of the opinion that the repair of an unsafe and dangerous building is appropriate, an injunction may be sought to compel the repair of the building by the owner. The repair of the building by the owner may be accomplished by bringing the building into compliance with the appropriate codes and ordinances of the city.
- (e) It shall be unlawful for the owner of any property who has been served by mail, publication, or posting with a notice pursuant to this section, to sell, transfer, or otherwise dispose of that property to another until the provisions of the notice have been complied with, or the owner shall first furnish the grantee, transferee, or purchaser a true copy of the notice to repair, or demolish the building and shall furnish to the department a signed and notarized statement from the grantee, transferee, or purchaser acknowledging the receipt of such compliance order or notice of the violation and agreeing to become an additional party defendant along with the owner or seller, and also without condition for making the repairs, demolition, or removal of unhealthy substances required by such notice of violation. This

requirement shall not preclude any person from seeking a variance or an appeal pursuant to the sections of this Code.

- (f) In addition to the remedies described in subsections (b), (c), and (d) herein, the department may utilize any other statutory or common law remedies available to abate unsafe and dangerous buildings.

(Ord. No. 826-12-06, § 1(Exh. A), 12-19-06; Ord. No. 409-11-13, § 1(Exh. A), 11-19-13)

§ 170.17.52. - Enclosure of buildings.

All open buildings, as defined in this chapter, shall be enclosed by the owner. The enclosure shall comply with the following requirements:

- (a) All windows and doors shall be covered with minimum of ½-inch exterior grade plywood or other similar material. The covering shall be a single sheet cut to fit each opening and nailed and screwed from the exterior so that the covering cannot easily be removed.
- (b) All other exterior openings allowing entry of fowl or animals shall be covered from the exterior with a minimum of ½-inch exterior grade plywood or a maximum of ½-inch mesh screening or other similar material.
- (c) Water and gas service to the building shall be disconnected. Electrical service to the building shall be disconnected at the pole, transformer, or distribution can.
- (d) All coverings shall be painted white.
- (e) All garbage, rubbish and solid waste shall be removed from the interior and exterior of the property.
- (f) All mantraps existing within the building shall be covered or repaired.
- (g) The storage of materials is limited to standards set forth by the city fire marshal and the department of building and zoning.
- (h) The property owner and/or permit holder shall call the department prior to completion of enclosure in order to schedule a compliance inspection.
- (i) The property owner shall post a "No trespass" sign on the property. When a "No trespass" sign has been posted under this section, the City may at its discretion act in the place of the owner of the property to enforce trespass laws under the City of Springfield Code of ordinances.

(Ord. No. 826-12-06, § 1(Exh. A), 12-19-06)

§ 170.17.53. - Failure of owner to comply with enclosure requirements.

- (a) If the owner of the building fails to comply with the notice to enclose within ten days after the date of mailing of the notice, the department may file a complaint in the circuit court or with the city code hearing department requesting the enclosure of the building by the owner. If the owner fails to comply with an order from either court, the city may cause the structure to be enclosed in compliance with the City Code. If the city causes the structure to be enclosed a "No trespass" sign may be posted by the city or its contractor. When a "No trespass" sign has been posted under this section, the City may at its discretion act in the place of the owner of the property to enforce trespass laws under the City of Springfield Code of ordinances.
- (b) Any open structure which poses an immediate health hazard shall be enclosed within 24 hours. In the event the structure is not enclosed within 24 hours, the department may enclose or cause the enclosure of the structure. Should the open structure be in a location or condition so as to be an emergency, the department may enclose or cause the enclosure of the structure without delay without first issuing any notice. The department may also post a "No trespass" sign on the property. When a

"No trespass" sign has been posted under this section, the City may at its discretion act in the place of the owner of the property to enforce trespass laws under the City of Springfield Code of ordinances.

- (c) The cost of enclosure by the city shall constitute a lien on the property where the building is located. The lien shall consist of a sworn statement setting out a description, the amount of money representing the cost and expense incurred, and the date or dates when the cost and expense was incurred by the city. Upon payment of the costs and expense by the owner or other persons interested in the property after the notice of lien has been filed, the lien shall be released and the release may be filed by the owner or other person interested in the property. The lien may be enforced by proceedings to foreclose as in cases of mortgages or mechanic's liens.
- (d) If the city corrects the violation itself or causes the violation to be corrected on its behalf, the owner of the property shall nevertheless be subject to a fine for the code violation as provided for in this chapter in addition to a lien being placed on the owner's property. In addition, the city may also obtain a personal judgment against the owner of the property for the costs of correcting the violation.

(Ord. No. 826-12-06, § 1(Exh. A), 12-19-06)

RES. 035-19

**A RESOLUTION NOTIFYING THE STATE OF ILLINOIS DEPARTMENT OF
TRANSPORTATION THAT MOTOR FUEL TAX FUNDS, IN THE AMOUNT OF
\$198,952.00, MAY BE USED FOR THE CHURCHILL ROAD OVER THE OLD
JACKSONVILLE BRANCH, MFT SECTION NO. 19-00487-00-BR, FOR THE
OFFICE OF PUBLIC WORKS**

WHEREAS, the City of Springfield is a home rule unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matters pertaining to its government and affairs; and

WHEREAS, the City anticipates using Motor Fuel Tax funds in the amount of \$198,952.00 for preliminary engineering services for the Churchill Road Bridge over the Old Jacksonville Branch; and

WHEREAS, the City is required to notify the State regarding the expenditure of Motor Fuel Tax funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, ILLINOIS:

Section 1: That the funds will be used for preliminary engineering services under the Illinois Highway Code.

Section 2: That the City anticipates using \$198,952.00 for the Churchill Road Bridge over the Old Jacksonville Branch, MFT Section No. 19-00487-00-BR from its allotment of Motor Fuel Tax Funds.

Section 3: That said work shall be done by contract.

Section 4: That the City Clerk is hereby directed to transmit two (2) certified copies of this resolution to the Illinois Department of Transportation, Division of Highways, through its District Engineer.

Section 5: That this resolution shall become effective immediately upon its passage and recording by the City Clerk.

PASSED: Dec 3, 2019

RECORDED: Dec 4, 2019

ATTEST: [Signature]
City Clerk Frank J. Lesko

Requested by: Mayor James O. Langfelder

SIGNED: Dec 4, 2019
[Signature]
Mayor James O. Langfelder

Approved as to legal sufficiency:

[Signature]
Office of Corporation Counsel/Date