

ORDINANCE NO. 1989-3

AN ORDINANCE MAKING CONDITIONS FOR STREET EXCAVATIONS

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF PAYSON, ILLINOIS:

SECTION 1. Written Permission Required. It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation or opening in any street, alley or other public place in the village without having first obtained written permission therefor as is herein required, or without complying with the provisions of this ordinance or in violation of or variance from the terms of any such permission.

SECTION 2. Applications. Applications for such permission shall be made to the village maintenance man and shall describe the location of the intended opening, excavation or tunnel, the size, the purpose therefor, and the person, firm or corporation doing the actual excavating work and the name of the person, firm or corporation for whom or which the work is being done.

SECTION 3. Permission. Upon receiving such application said village maintenance man shall immediately, or as soon as he may, consider said application; and if the said village maintenance man finds that an emergency exists, he shall immediately issue written permission for the opening of such pavement, which said permission shall specify the time at which the work may commence and the place of opening, together with directions how such opening may be made.

SECTION 4. Openings--How Cut. If an opening is made in any paved street, avenue, alley or public place, such opening shall be cut two times larger on the length and width on each side of the excavation. The sides shall be approximately vertical and cut evenly from top to bottom of the said opening. Such opening shall be made with a saw and it shall be unlawful for any person, firm or corporation to make or cause to be made any such opening

in any other manner.

SECTION 5. Bond. No such permission shall be issued unless and until the applicant therefor has filed a bond in the sum of \$5,000.00 conditioned to indemnify the village for any loss, liability or damage that may result or accrue because of the making or existence of such opening, excavation or tunnel.

SECTION 6. Barricades and Lights. Any person, firm or corporation making or maintaining any opening, excavation or tunnel in any street or alley shall keep the same adequately guarded by barricades and lights to protect persons and property from injury.

All such barricades shall have at least two yellow lights on each barricade and there shall be barricades on both sides of any and all excavations or openings in the streets and the person, partnership or corporation who makes such excavation or opening shall be responsible for the proper placing of barricade and lanterns in accordance with this article. "No Parking" signs shall be placed by the person, corporation or partnership who makes such excavations on both sides of the streets where the excavation is made for a distance of at least thirty feet on each side of the opening.

SECTION 7. Manner of Excavating. It shall be unlawful to make any such opening, excavation or tunnel in any way contrary to or at variance with the terms of the written permission therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in openings or excavations, the excavation or opening shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such openings, excavations or tunnels.

No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

SECTION 8. Sidewalks. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided

which shall be safe for travel and convenient for users.

SECTION 9. Restoring Surface. Any person, firm or corporation making any opening, excavation or tunnel in or under any public street, alley or public place in the village shall restore the surface thereof to its original condition. Refills in unimproved public places shall be properly tamped down and any bracing in such opening, tunnel or excavation shall be left in the ground.

SECTION 10. Supervision. The village maintenance man shall from time to time inspect all openings, excavations and tunnels being made in or under any public street, alley or other public place in the village to see to the enforcement of the provisions of this ordinance. Notice shall be given to him at least ten hours before the work of refilling any such opening, excavation or tunnel commences.

SECTION 11. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a petty offense, and upon conviction thereof, shall be fined an amount not less than \$100.00 and not more than \$500.00.

SECTION 12. Repeal. All ordinances, resolution, motions or orders, or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict, hereby repealed.

SECTION 13. Effective Date. This ordinance shall become effective after its passage, approval and publication as provided by law.

ADOPTED: August 1, 1989  
APPROVED: August 1, 1989  
PUBLISHED: August \_\_, 1989

\_\_\_\_\_  
President of Board of Trustees

ATTEST:

\_\_\_\_\_  
Village Clerk

ORDINANCE DESIGNATING NORTH PARK STREET AS A ONE-WAY STREET

WHEREAS, the Board of Trustees of the Village of Payson, Adams County, Illinois, finds it necessary to provide for an orderly flow of traffic on North Park Street; and,

WHEREAS, said Board has heretofore designated North Park Street as a one-way street, by motion, and now finds it appropriate to pass the within Ordinance.

NOW, THEREFORE, BE IT OBTAINED BY THE PRESIDENT AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PAYSON, ADAMS COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. North Park Street, lying South of East Edwards Street and North of East State Street, is hereby designated a one-way street, with the direction of traffic flow being to the South.

Section 2. It shall be unlawful to operate any vehicle on the above-designated one-way street in any direction other than that so designated.

Section 3. The Village Constable or any other person designated by the President and Board of Trustees shall post or cause to be posted suitable signs for the above-designated one-way street.

Section 4. Any person, firm or corporation violating any provision of this Ordinance, shall be guilty of a petty offense and upon conviction thereof, shall be fined an amount not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00).

Section 5. All ordinances, resolutions, motions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 6. This Ordinance shall become effective immediately after its passage, approval and publication as provided by law.

Adopted: February 4, 1986.

Approved: February 4, 1986.

*Theresa A. Bernard*  
President of the Board of Trustees

ATTEST:

*Anthony J. Belmont*  
Village Clerk

RESOLUTION

FOR ADDITIONAL CONTRACT STREET LIGHTING

BE IT RESOLVED by the President and Board of Trustees of the Village of Payson, Illinois, that the Central Illinois Public Service Company be and hereby it is requested to furnish the Village of Payson, Illinois, the following street lighting service, effective as completed:

1 - 175 watt mercury vapor overhead lamp at \$40.00 per year

Location: Brainard West of Washington, Pole #122

The additional service hereinabove referred to is requested pursuant to the provisions of that certain written agreement heretofore entered into between the Company and the Municipality under date of January 6, 1970.

Passed this 24th day of December, 1970.

Attest: [Signature] President

[Signature] Village Clerk

CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF Adams } ss.

I, Evelyn Schmitt, the duly qualified and acting Village Clerk of the Village of Payson, in said County of Adams, and the official custodian of the records of said Village, do hereby certify that the foregoing is a true, correct and complete copy of a resolution passed at a meeting of the President & Board of Trustees held on the 24th day of December, A. D. 1970, as said resolution appears from the records in my office.

Given under my hand and the corporate seal of said Village of Payson, this 24th day of January, A. D. 1971.

[Signature] Village Clerk

**AN ORDINANCE**  
Authorizing  
The Execution of  
An Agreement with the  
**Central Illinois**  
**Public Service Company**  
its Successors and Assigns  
For Street Lighting Service  
in the  
VILLAGE OF PAYSON  
County of ADAMS  
and State of Illinois

PASSED *JANUARY 6, 1970*

The 46 electric lamps hereinbefore mentioned shall burn from dusk until dawn every night, and shall be of the following respective ratings:  
 Class A: 46 lamps of 175 watt mercury vapor  
 Class B: lamps of  
 Class C: lamps of

Subject to the express condition that if at any time the Municipality shall request an extension of the Company's lines in excess of four hundred (400) feet for the installation of any one lamp, the Municipality shall pay the Company the cost of constructing that part of such extension in excess of four hundred (400) feet, the Company agrees, upon request by the Municipality expressed through proper ordinance or resolution, to furnish, install and maintain, throughout the then remaining portion of the period of this contract, in like manner as hereinabove provided, as many additional lamps of any one or more of the classes hereinabove specified as may be so requested, at the following prices per year, to be paid in twelve equal monthly installments, each on or before the 15th day of the month next succeeding that in which service is rendered:

Class A: \$ 40.00 Distribution Pole \$47.00 Wood pole - light only  
 Class B: \$  
 Class C: \$

At the termination of this agreement the Company shall have the right to remove the property, or any part thereof, furnished and/or installed by it under this agreement, and such right shall continue until the expiration of ninety (90) days next following written notice to the Company from the Municipality to so remove said property.

Company will file with the Illinois Commerce Commission immediately following the execution of this agreement a schedule of the rates and charges required to be paid hereunder, and upon the expiration of thirty days from such filing of the same, unless prior thereto such schedule shall be suspended by said Commission, this agreement shall become effective and shall operate to cancel and annul that certain agreement heretofore entered into by and between the parties hereto under date of March 7, 1967

except as to amounts, if any, then owing by either of said parties to the other. The first of said 120 monthly installments herein provided for shall be made for service rendered during such part of the month beginning on the day on which this agreement becomes effective. If the first of said 120 monthly installments is for a period less than one month, an adjustment on the basis of the proportionate part only of the calendar month in said first service period shall be made and a like adjustment shall be made in said sum of \$ 16,236.00 to reflect the adjustment made in said first monthly installment.

Said schedule of rates and charges, if not suspended during said thirty-day period, shall thereafter be and remain subject to the jurisdiction of said Commission. If said schedule of rates and charges shall be suspended by the Illinois Commerce Commission within said thirty-day period, this agreement shall be of no force and effect.

This agreement shall inure to and be binding upon all successors and assigns of the Company.

IN WITNESS WHEREOF, the said Central Illinois Public Service Company has caused this instrument to be executed in its corporate name by its President or a Vice President and attested by its Secretary or an Assistant Secretary and its corporate seal to be affixed; and the said Village of Payson has caused this instrument to be executed in its corporate name by its President and attested by its Village Clerk and its corporate seal to be affixed this xxxxxxxxxxxxxx day of xxxxxxxxxxxxxxxxxxxxxxxxx, 19 xx .

SECTION 2. The respective officers in said agreement named are hereby authorized and directed to execute and deliver said agreement for and on behalf of said Village of Payson

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect from and after its passage, approval and, if necessary, its recordation.

Passed JANUARY 6 1970

Approved JANUARY 6 1970

Recorded JANUARY 6 1970

ATTEST: Richard Steward  
 Village Clerk

Robert A. Kautzman  
 President



ORDINANCE NO. 1970-1

**AN ORDINANCE**

Authorizing the

**Central Illinois  
Public Service Company**

Its Successors and Assigns

To Construct, Operate and Maintain an  
Electric Light, Heat and Power System

in the  
Village of Payson

County of Adams

and State of Illinois

PASSED JANUARY 6, 1970  
EXPIRES JANUARY 6, 2031

SECTION 4. As a further consideration for the rights, privileges and authorities granted by this ordinance, the Grantee shall, throughout the period in which Grantee shall exercise the rights, privileges and authority granted by this ordinance, furnish to the said Municipality, annually, free of cost, street lighting service dusk to dawn every night from two (2) 175 watt mercury vapor lamps located in the village park; and electric energy for lighting the softball field of said Municipality, and any rooms or buildings actually used by said Municipality for municipal purposes, to the amount of two thousand five hundred (2,500) kilowatt hours. The cost of installing any and all electric equipment required for said softball field and said rooms or buildings shall be borne by said Municipality. If said Municipality shall, for the purpose of lighting said softball field and rooms or buildings, require in any year electric energy in excess of said quantity to be furnished free of cost, then and in that case the Municipality shall pay for such excess in accordance with Grantee's applicable rates, terms and conditions as from time to time approved by the Illinois Commerce Commission, such rates, terms and conditions being, respectively, at the present time, Rate 10, Sheet 15, and Terms and Conditions, Sheet 18, all set forth in Grantee's Electric Service Schedule III, C. C. No. 9B, Section One. Neither the acceptance by the Grantee of this ordinance nor anything contained herein shall limit or abridge any right or remedy the Grantee has or would have, if this ordinance were not in effect, to change, modify or supersede any of the rates, terms and conditions which now are or hereafter may be applicable to any service to be rendered by the Grantee to the Municipality under this ordinance. The application of the Grantee's rates, terms and conditions, as from time to time approved or permitted to become effective by the Illinois Commerce Commission to the service to be rendered Municipality hereunder, shall in no wise be affected by the existence of this ordinance.

SECTION 5. All poles and other equipment placed or installed by Grantee under this ordinance shall, insofar as practicable, be installed in alleys and side streets under the direction of the official or officials of said Municipality having charge of the supervision thereof; and the Grantee shall, in constructing, maintaining and operating poles and other equipment, save and keep harmless the said Municipality from any loss or damage to life or property occasioned by reason thereof.

SECTION 6. The charges to be made by the Grantee for public service rendered by it under this ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois or such other duly constituted governmental authority as shall have jurisdiction thereof.

SECTION 7. All provisions of this ordinance which are obligatory upon and which inure to the benefit of said Grantee shall also be obligatory upon and shall inure to the benefit of Grantee's successors or assigns, and the word "Grantee" whenever used in this ordinance shall mean and include not only the Central Illinois Public Service Company, but also its successors and assigns.

SECTION 8. All rights, privileges and authority granted by this ordinance shall, upon its acceptance by Grantee in the manner hereinafter provided, be and remain in full force and effect for and during the term of sixty-one (61) years from and after its passage and approval.

