

RECORDING INFORMATION

Prepared By:  
City of Mt. Carmel  
631 N. Market Street  
Mt. Carmel, IL 62863  
(618) 262-4822



**ORDINANCE NO. 2086**

**AN ORDINANCE ESTABLISHING DIRECTIONAL BORING PERMIT PROCEDURES IN THE CITY OF MT. CARMEL, WABASH COUNTY, ILLINOIS**

WHEREAS, the City of Mt. Carmel, Wabash County, Illinois, wish to protect the health, safety and welfare of the residents of Mt. Carmel, and

WHEREAS, the City of Mt. Carmel, Wabash County, Illinois, has determined that it is necessary and advisable to require a permit for directional boring in under and through right of ways in the city.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MT. CARMEL, WABASH COUNTY, ILLINOIS, the following is hereby adopted:

Section I. Definitions

Directional Boring, also referred to as horizontal directional drilling (HDD), is minimal impact trenchless method of installing underground utilities such as pipe, conduit, or cables in a relatively shallow arc or radius along a prescribed underground path using a surface-launched drilling rig.

Section II. General Requirements

In addition to complying with all applicable regulations and requirements of state, county and municipal authorities, every person who shall engage in excavation, digging, and directional boring of any kind on public thoroughfares or utility easements shall:

- (1) Obtain an excavation permit from the city building department.
- (2) Plan the excavation to avoid or minimize interference with or damage to underground utility lines and facilities in or near the excavation area.
- (3) Call 811 before the commencement of work to have all utilities properly marked before work starts.
- (4) Notify immediately the operator of any underground utility lines and facilities that may have been damaged or dislocated during the excavation work.
- (5) Install and maintain appropriate erosion control measures for the duration of the excavation.
- (6) Clean up any trash, debris, and construction materials left over in the excavation area.

#### Section III. Permit required

It shall be unlawful for any person, contractor or any branch or department of the city to perform any work on or under the surface of any right-a-way of any dedicated street or utility easement existing in the city or may exist in the future without first obtaining an excavation permit before the commencement of work. The word "street" as used in this article means and includes any street, alley, road or other public way within the city. The person or company doing the actual excavation and directional boring is the one who is required to obtain a permit and must provide a bond in the amount of 1.5 times the construction costs to cover any repairs to public facilities. Said bond may be waived by the governing authority upon determination of the financial condition of the applicant. A permit fee of \$100.00 shall be paid prior to approval of any permit application.

#### Section IV. Administrative guidelines for permit issuance

The city building department is authorized to promulgate administrative guidelines for the issuance of excavation permits and to charge an appropriate fee to cover the cost of issuing such permits. Such administrative guidelines shall include the notification to all public utilities of the proposed excavation work.

#### Section V. Emergency work

The permit provisions of this article shall not apply to any person making an excavation at times of emergency involving danger to life, health or property. However, every person who shall engage in an emergency excavation shall take the necessary and reasonable precautions to avoid interference with or damage to existing underground utility lines and facilities and shall notify as promptly as possible the operators of utility lines and facilities in and near the excavated area.

#### Section VI. Marking of line locations by utility

A utility, upon receiving notification of excavation work, shall, within a reasonable time, make investigation to determine the location of its pipelines in the area of the proposed work and mark by some reasonable and customary means the location of the utility line in advance of and during the work, or advise that marking is not necessary.

#### Section VII. Fines and Penalties

Any person or contractor company that willfully violates any provision of this ordinance shall be guilty of a misdemeanor, and may be punished by a fine. The fine shall as otherwise authorized by law along with all reasonably incurred attorney fees incurred as a result of the violations. Each day that any violation of this ordinance shall constitute a separate offense.

#### Section VIII. Severability, Conflict, Effective Date, and Publication & Recording

- (a) Severability. Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.
- (b) Conflict. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Mt. Carmel, Wabash County, Illinois existing on the effective date of the ordinance, the provisions of this ordinance shall take precedence.
- (c) Effective Date. This Ordinance shall be in full force and effective upon its passage and approval by the Mt. Carmel City Council, as provided by law.

This ordinance shall be printed in pamphlet form.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF March, 2023

CITY OF MT. CARMEL, ILLINOIS

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JOE JUDGE, MAYOR

ATTEST: \_\_\_\_\_

RYAN TURNER, CITY CLERK

Vote: Commissioner Dulgar \_\_\_\_\_

Commissioner Ikemire \_\_\_\_\_

Commissioner Meeks \_\_\_\_\_

Commissioner Zimmerman \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Passed and Approved: \_\_\_\_\_

CERTIFICATE

I, Ryan Turner, City Clerk in and for the City of Mount Carmel in the County of Wabash in the State of Illinois, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of Ordinance 2086 passed and approved by the City Council of the City of Mount Carmel at its regular meeting held March 20, 2023.

In testimony whereof, I have hereunto set my hand and affixed the seal of the City of Mount Carmel at my office this 20<sup>th</sup> day of March, 2023.

**(SEAL)**

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CITY CLERK

STATE OF ILLINOIS

COUNTY OF WABASH

CERTIFICATE OF PUBLICATION

I, Ryan Turner, certify that I am the duly appointed and acting City Clerk of the City of Mt. Carmel, Wabash County, Illinois.

I further certify that on March 20, 2023, the Corporate Authorities of such municipality passed and approved Ordinance Number 2086, entitled AN ORDINANCE ESTABLISHING DIRECTIONAL BORING PERMIT PROCEDURES IN THE CITY OF MT. CARMEL, WABASH COUNTY, ILLINOIS, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2086 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March 20, 2023 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

Dated at Mt. Carmel, Illinois, this 20<sup>th</sup> day of March, 2023.

**(SEAL)**

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CITY CLERK