

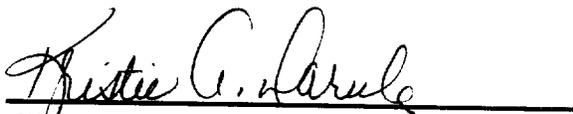
**City of St. Charles, Illinois**

**Ordinance No. 1997-M-48**

**An Ordinance Amending Chapter 12.04, "General Provisions," of Title 12, "Streets, Sidewalks and Public Places," of the St. Charles Municipal Code**

**Adopted by the  
City Council  
of the  
City of St. Charles  
May 5, 1997**

**Published in pamphlet form by  
authority of the City Council  
of the city of St. Charles,  
Kane and Du Page Counties,  
Illinois, May 9, 1997**

  
**City Clerk**

**(SEAL)**

DATE OF PUBLICATION 5/19/97  
NEWSPAPER Pamphlet Form

REFER TO:  
MINUTES 5/5/97  
PAGE \_\_\_\_\_

ORDINANCE NO. 1997-M- 48

**AN ORDINANCE AMENDING CHAPTER 12.04,  
"GENERAL PROVISIONS" OF TITLE 12, "STREETS,  
SIDEWALKS AND PUBLIC PLACES",  
OF THE ST. CHARLES MUNICIPAL CODE**

WHEREAS, the City is authorized to regulate the use of public rights of way pursuant to 65 ILCS 5/11-80-13; and

WHEREAS, various residents of the City seek to use a portion of the public right-of-way adjacent to their property to install and maintain nonproprietary underground sprinkling systems; and

WHEREAS, the City deems it advisable to permit and regulate the installation and maintenance of nonproprietary underground sprinkling systems in the public right-of-way; and

WHEREAS, the City is a home rule unit as provided in the 1970 Illinois Constitution (Art. VII, Sec. 6), and this Ordinance is an exercise of its powers and performance of its functions pertaining to its government and affairs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section 1.** That Title 12, "Streets, Sidewalks and Public Places", Chapter 12.04, "General Provisions", of the St. Charles Municipal Code, be and is hereby amended by inserting the following:

"12.04.135 Underground Sprinkling Systems — Permission Required for Installation and Maintenance in Public Right-of-Way

It is unlawful to construct or install an underground sprinkling system or maintain an underground sprinkling system in any public place, street, alley, or other public right-of-way without first having secured a permit agreement and building, right-of-way, and plumbing permits from the City. The permit agreement shall be executed by the Building

Commissioner on behalf of the City. It is the owner's sole responsibility to maintain and repair the underground sprinkler system. The owner shall indemnify the City from any and all liability for damages or injury arising from the installation, operation, maintenance, or location of the underground sprinkling system. Applications for an underground sprinkling system to be installed in public right-of-way shall have a permit agreement and covenant attached, prepared by the applicant (adjacent property owner) and reviewed and approved by the Building Department, stating that he has read the requirements for an underground sprinkling system located in the right-of-way and that he agrees to comply with them and that he does for himself, his heirs, successors and assigns indemnify and hold harmless the City from any liability asserted by others in connection with the installation, operation, maintenance, or location of the underground sprinkling system and that they permit the removal of any underground sprinkling system by the City if the underground sprinkling system interferes with municipal use, access, or other rights. The covenant may be recorded at the applicant's expense by the City in the County Recorder's Office. In the event City shall determine it necessary to excavate or have access across the area with the underground sprinkling system, the applicant shall remove the underground sprinkler system at City's direction and in the event of the failure thereof, the City may remove the same at owner's expense. The City shall not be required to replace the same pursuant to removal of underground sprinkling system in any event. The form of the permit agreement and covenant shall be approved by the City Council."

**Section 2.** That the Building Commissioner is authorized to execute any permit agreements, in a form approved by the City Council, issued in connection with installation of an underground sprinkler system.

**Section 3.** That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

**PRESENTED** to the City Council of the City of St. Charles, Illinois, this 5th day of May, 1997.

**PASSED** by the City Council of the City of St. Charles, Illinois, this 5th day of May, 1997.

**APPROVED** by the Mayor of the City of St. Charles, Illinois, this 5th day of May, 1997.

Susan Klunkhomi  
Mayor

ATTEST:

Kristin A. Sarub  
City Clerk

COUNCIL VOTE:

Ayes: 12

Nays: 0

Absent: 0

**APPROVED AS TO FORM:**

[Signature]  
City Attorney

DATE: 5/13/97

State of Illinois )  
 )  
Counties of Kane and DuPage ) ss.

## Certificate

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

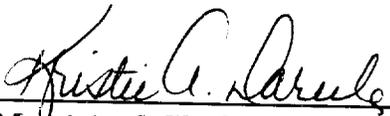
I further certify that on May 5, 1997, the Corporate Authorities of such municipality passed and approved Ordinance No. 1997-M-48, entitled

"An Ordinance Amending Chapter 12.04, "General Provisions," of Title 12, "Streets, Sidewalks and Public Places," of the St. Charles Municipal Code",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1997-M-48, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 9, 1997, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 12<sup>th</sup> day of May, 1997.

  
\_\_\_\_\_  
Municipal Clerk

(SEAL)