



ORDINANCE NO. 905

**AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW
MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE
NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE
AMENDMENTS RELATING TO CONSTRUCTION FENCING**

Published in pamphlet form by authority of the Village President and
Board of Trustees of the Village of Mackinaw

October 27, 2015

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS
VILLAGE OF MACKINAW)

CERTIFICATE OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the *26TH day of October 2015*, insofar as same relates to the adoption of *Ordinance No. 905*, entitled:

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO CONSTRUCTION FENCING

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of *Ordinance No.905*, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on *October 27, 2015* and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by six members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this 5TH DAY OF NOVEMBER, 2015.

Village Clerk



ORDINANCE NO. 905

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO CONSTRUCTION FENCING

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW:

SECTION 1: Chapter 136 of the Village Code of the Village of Mackinaw is hereby amended by adding a new §136.11 which shall be as follows:

§136.11 COVERING OR FENCING EXCAVATION OR BASEMENT.

The corporate authorities of the Village of Mackinaw find and determine that unbarricaded, unfenced, and unsecured excavations of greater than eighteen inches in depth, and partially completed but unfinished basements pose a threat to public safety. At all times, any excavation of greater than eighteen inches in depth, and any partially completed basement shall be barricaded, fenced or secure in a method and manner compliant with the minimum standards set forth in this Section. The obligation to fence, barricade or secure a partially completed basement shall terminate when the floor joists and subfloor are installed. The minimum requirements for fencing, barricading, or securing excavations or partially completed basements are as follows:

- (a) Fencing, barricades or barriers used shall be a minimum of thirty-six inches in height
- (b) Fencing, barricades, or other barriers shall fully enclose and surround the excavation or uncompleted basement without any gaps, openings, or voids in the perimeter
- (c) The fencing, barricades or other barriers shall not have any tears, rips, seams, or openings greater than one square foot in size.

Plastic snow fencing installed securely with posts shall satisfy the minimum required standards under this Section. Fencing, barricades or barriers shall be installed at the start of any excavation, or when construction begins on a basement and shall be maintained until excavation is completed and the excavation has been backfilled. The depth of the excavation shall be measured from the lowest point of the excavation to the prevailing grade immediately surrounding the excavation.

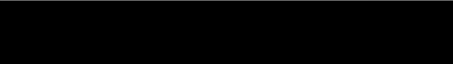
SECTION 2: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 3: This Ordinance shall take effect 10 days after publication thereof as provided by law.

SECTION 4: Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 26th day of October, 2015.

APPROVED:



President of the Board of Trustees of
The Village of Mackinaw

ATTEST:



Village Clerk

AYES:	<u>5</u>
NAYS:	<u>0</u>
ABSENT:	<u>0</u>