



ORDINANCE NO. 1076

**AN ORDINANCE RELATING TO SEWER CONTRACTORS;
LICENSE, BOND FEE, REVOCATION AND DENIAL OF SEWER
CONTRACTORS LICENSES**

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

JUNE 23, 2025

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 23RD *day of June 2025*, insofar as same relates to the adoption of *Ordinance No. 1076*, entitled:

AN ORDINANCE RELATING TO SEWER CONTRACTORS; LICENES, BOND FEE, REVOCATION AN DENIAL OF SEWER CONTRACTORS LICENSES

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.1076*, 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 *June 23, 2025* 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 **3rd day of JULY 2025**.



Village Clerk

ORDINANCE NO. _____

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 SEWER CONTRACTORS;
LICENSE, BOND FEE, REVOCATION AND DENIAL OF SEWER CONTRACTORS
LICENSES

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

SECTION 1: Title XI of the Village Code of the Village of Mackinaw is hereby
amended by adding a new Chapter 115 which shall be as follows:

CHAPTER 115 SEWER CONTRACTORS; LICENSE, BOND, FEE

§115.01 SEWER CONTRACTORS; LICENSE, BOND, FEE

- A. Any person who desires to engage in or who shall hereafter at any time engage in the business of the construction, alteration, or repair of any sewer, sanitary connection, or storm drain with the Village shall, before commencing such work, make application to the Public Works Manager (hereinafter PWM), or their designee, for a license as a sewer contractor, and shall deliver to the PWM, or his designee, his certificate of insurance with minimum liability of five hundred thousand dollars (\$500,000.00) per occurrence, and their certificate of bond, with one corporate surety to be approved the Village Board of Trustees in the amount of twenty-five thousand dollars (\$25,000.00), payable to the Village of Mackinaw, conditioned that such person shall be indemnify and save harmless the Village of Mackinaw, its officers, and employees, of and from all liability for damages to persons property by reason of or resulting directly or indirectly from the construction, alteration, maintenance, or repair by such person of any sewer, sanitary connection, or storm drain, or any work or act of omission or commission incidental thereto, or in connection therewith; conditioned further upon the conformance by such person with all provisions of this Chapter with respect to such work; and conditioned further upon the restoration by such applicant of any street, alley, sidewalk, right of way, easement, or pavement disturbed by them, so as to leave same in as good condition as before the work commenced, as determined by the PWM; provided, however, that any owner of a single-family residence or multi-family dwelling personally doing work on their own property shall not be considered a sewer contractor for the purposes of this Section providing said work does not include any activities on public right of way or utility easements. Applicant must be able to demonstrate to PWM that they have previous experience in the field, and that past work performance has been acceptable, as well as demonstrating knowledge of the "Sewer Specifications." Applicant must also obtain and maintain in their files a copy of this Ordinance, as well as a copy of "Sewer Specifications".
- B. Upon approval of the applicant by the PWM, or their designee, and of the bond by

the PWM, or their designee, shall forthwith issue to such applicant a license to engage in the construction, alteration, or repairs of sewers, sanitary connections, and storm drains in the Village of Mackinaw. Each application for such license shall be accompanied by a fee of one hundred dollars (\$100.00), and such license shall be in effect from May 1 of each year through April 30 of the following year. If a contractor engages in any work for which a license is required under this Chapter, prior to obtaining said license, then the fee shall be doubled.

- C. The PWM or their designee may deny an application for a sewer contractor license, or revoke a previously issued license, upon finding any of the following:
 - 1. The applicant has submitted materially false or misleading information on the application.
 - 2. The applicant fails to meet the experience or competency requirements established under this Chapter.
 - 3. The applicant has a history of deficient or unsafe work, or has violated applicable sewer specifications, ordinances or permit conditions.
 - 4. The applicant lacks sufficient liability insurance or surety bond as required under this Section.
 - 5. The applicant has been convicted of an offense involving fraud, theft, or deception related to construction activities, within the past five (5) years.
 - 6. The applicant has had its license suspended, revoked, cancelled or denied by any municipality or municipal corporation with the State of Illinois.
 - 7. The applicant is an alter ego, succor or affiliate of a prior licensee whose license was denied, revoked or suspended for cause. "Alter ego" includes any entity or person that effectively operates as a continuation of a prior licensee based on common ownership, officers, employees, equipment, or business purpose.
- D. Any denial or revocation shall be made in writing, stating the specific grounds for the decision and advising the applicant of the right to appeal.
- E. Within ten (10) business days of the date of mailing or delivery of the written notice of denial or revocation the applicant or license holder may file a written request for appeal with the PWM. The written request for appeal must include the following:
 - 1. The name, address and contact information for the applicant
 - 2. A copy of the notice of denial or revocation
 - 3. A clear and concise statement explaining why the applicant believes the denial or revocation was improper
 - 4. Any supporting documents the applicant wishes to have considered; and
 - 5. A statement indicating whether the applicant requests a hearing or prefers the appeal to be decided upon the written submission
- F. Upon timely receipt of a complete written request for appeal, the PWM shall schedule the matter for review by the Village Board, or by a designated hearing officer appointed by the Village Board. The applicant shall be notified of the date and time of any hearing on the appeal and shall be present at such date and time. At the hearing the applicant shall have the opportunity to present evidence and testimony in support of the appeal. The hearing shall be conducted in an informal manner and shall not be governed by the formal rules of evidence applicable in courts of law. Hearsay and other relevant or reliable evidence may be considered,

and testimony may be received in writing or through documentation without requiring in-person appearance by third (3rd) parties. The Village Board or hearing officer shall issue a written decision within ten (10) business days following the conclusion of the hearing overview. A decision of the Village Board or designated hearing officer shall be final. No further administrative appeal shall be available within the Village of Mackinaw.

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 23rd day of June, 2025.

APPROVED:



President of the Board of Trustees of
The Village of Mackinaw

ATTEST:



Village Clerk

AYES:

96

NAYS:

00

ABSENT:

00