



City of Pekin

AGENDA

REGULAR COUNCIL MEETING OF FEBRUARY 13, 2006
5:30 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Clerk to Call the Roll

IV. APPROVAL OF AGENDA

ACTION: Motion to approve the meeting agenda

VOTE REQUIRED

V. APPROVAL OF MINUTES

ACTION: Motion to approve minutes of January 23, 2006

VOTE REQUIRED

VI. PUBLIC INPUT ON AGENDA ITEMS

Speakers to state name, address, and spell last name. Questions unrelated to agenda items are accepted during "Public Questions" near the end of the meeting.

VII. CONSENT AGENDA

1. **Receive and File Reports and Minutes:** Electrical Commission, Liquor Commission 12-08-05 and 01-12-06, Pekin Lake Project, LADD, Project Status, Tazewell County Animal Control, Traffic Safety, Building, Wastewater Treatment, TPCCC, Police January Report, and Pekin Police Department 2005 Year End Report
2. **Charitable Solicitation:** Lupus Tag Day Friday, October 6, 2006
Pekin Girls American Youth Basketball AYBT Tag Days,
April 6 and April 7, 2006
AMVETS Post 235 Fund Raiser for Veterans, Boy Scouts, House of Hope
March 17, March 18, November 10 and 11, 2006
3. **Receive and File Letter of Resignation-Mark Gielarowski Fire and Police Commission**
4. **Resolution No. 135-05/06 - Appointment of Michael Franks to the Fire and Police Commission To fill the unexpired term until First Monday in May, 2008**
5. **Receive and File Pekin Public Library Financial Statements Dated November 21, 2005 Illinois State Library Accessibility Construction Grant**
Grant used to construct new restrooms.

6. **Receive and File Bids for Emergency Generator Automatic Transfer Switch Wastewater Treatment Plant – Opened February 1, 2006 1:00 p.m.**

ACTION: Motion to approve consent agenda

VOTE REQUIRED TO APPROVE CONSENT AGENDA

VIII. COMMUNICATIONS, PETITIONS, REPORTS

1. **Application for appointment to City of Pekin Committees, Boards, or Commissions**
DESCRIPTION: Mayor to present information about process for residents to use to apply for Committees, Boards, or Commissions

NO ACTION REQUIRED.

2. **Public Hearing**

(DK)

DESCRIPTION: Mayor to conduct public hearing for the purpose of discussing the sale of municipally owned property Pekin Edgewater Park NW corner Lot 29 known as Brenkman Drive and Rt. 29 in front of Velde SuperCentre.

ACTION: Mayor to allow interested persons to be heard on the sale and accept filed comments on proposal. Council to act on Ordinance under New Business.

Speakers to state name, address, and spell last name. Questions unrelated to agenda items are accepted during "Public Questions" near the end of the meeting.

NO VOTE REQUIRED

IX. NEW BUSINESS

1. **Ordinance No. 2458 - Authorizing the Sale and Transfer of Municipally Owned Real Property**

(DK)

DESCRIPTION: Conditions and obligations of the City and Velde SuperCentre, Inc. regarding the purchase of .065 acres of property fronting Auto Row in the amount of \$2,850.00.

ACTION: Motion to adopt ordinance.

VOTE REQUIRED

2. **Ordinance No. 2459 - Amending Title 3, Chapter 2, Section 5 of the Code of the City of Pekin**

(DK)

DESCRIPTION: to eliminate the \$0.04/gallon gas tax on E-85 fuel for the purpose of supporting local producers and benefiting air quality

PRESENTATION: City Manager Dennis Kief

ACTION: Motion to adopt ordinance.

VOTE REQUIRED

3. **IDOT Signal Bid Park Ave & 14th Street**

(JW)

DESCRIPTION: Concur in IDOT's bid award results from January 20th IDOT bid letting and award contractor to low bidder. Total amount of project \$330,000 amount for City to fund additional cost overage of bid in the amount of \$65,000 total MFT funding \$155,750.

PRESENTATION: Public Works Director Joe Wuellner

ACTION: Motion to concur with IDOT in the award for intersection improvements.

VOTE REQUIRED

4. **Resolution No. 136-05/06 - Allocating MFT funds for Park Ave. & 14th Street Project** (JW)
DESCRIPTION: Approval of the resolution raising the amount of \$65,000 MFT dollars to be spent on this project. Increase due to the higher bid prices due to increases in the cost of oil (asphalt). As a result the project is funded approximately 50% Federal and 50% City based on original \$250,000 estimate.

ACTION: Motion to adopt resolution

VOTE REQUIRED

5. **Engineering Agreement with Maurer-Stutz for Broadway & Parkway Intersection Project** (JW)
DESCRIPTION: Accepting the contract proposal to complete the construction design drawings and specifications for this project. Project is scheduled to bid early next year and is needed to improve traffic flow.

PRESENTATION: Public Works Director Joe Wuellner

ACTION: Motion to approve agreement for engineering services in the amount of \$37,100.

VOTE REQUIRED

6. **Resolution No. 137-05/06 - Allocating MFT funds for Broadway-Parkway Engineering Agreement** (JW)
Approval of the resolution allocating MFT dollars to cover the Maurer-Stutz contract.

ACTION: Motion to adopt resolution.

VOTE REQUIRED

7. **Ordinance No. 2460 - Amending Title 10 of the Code of the City of Pekin** (JW)
DESCRIPTION: This amendment changes the number of documents and computer media required to be filed with preliminary and final plats, definitions, and general housekeeping.

ACTION: Motion to adopt ordinance.

VOTE REQUIRED

8. **Ordinance No. 1462-A249 - Amending Title 8, Chapter 4, Section 3F of the Code Regarding Handicapped Parking** (TB)
DESCRIPTION: To amend the list of areas designated as handicapped parking to agree with the locations and number of signs on the streets. This action is a recommendation of the Traffic Safety Committee.

ACTION: Motion to adopt ordinance.

VOTE REQUIRED

9. **Ordinance No. 1462-A250 - Amending Title 8, Chapter 2, Sections 9 and 11 of the Code Regarding Authorized Stop Signs and Through Streets** (TB)
DESCRIPTION: To amend the traffic code to designate Petri Lane and Deerfield as through streets and to designate traffic stops on Buckhaven at Fawnridge and Meadow Lane at Busckhaven This action is a recommendation of the Traffic Safety Committee.

ACTION: Motion to adopt ordinance.

VOTE REQUIRED

10. **Ordinance No. 1462-A251 - Amending Title 8, Chapter 4, Section 1 of the Code Regarding No Parking Schedule** (TB)
DESCRIPTION: To amend the No Parking Schedule to reduce the no parking distance 50' north of Derby Street, east side. This action is a recommendation of the Traffic Safety Committee

ACTION: Motion to adopt ordinance.

VOTE REQUIRED

11. **Sewer Treatment Plant Transfer Switch Bid Opening February 1, 2006** (DP)
DESCRIPTION: recommend to award the contract to ENERCON Engineering, Inc. in the amount of \$68,517. The alternate bid includes the complete automatic transfer switch at the Wastewater Treatment Plant including start-up assistance and training.

ACTION: Motion to accept the bid and award contract

VOTE REQUIRED

12. **Resolution No. 138-05/06 - Substance Abuse Policy** (GR)
DESCRIPTION: approves the drug and alcohol policy to comply with reporting requirements of the Federal Transportation Association.

ACTION: Motion to adopt resolution.

VOTE REQUIRED

13. **Resolution No. 139-05/06 - Intergovernmental Agreement for Preliminary Feasibility Study of Water Utility Acquisition** (DK)
DESCRIPTION:

PRESENTATION: City Manager Dennis Kief

ACTION: motion to adopt resolution.

VOTE REQUIRED

X. ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL
Council members

Staff

Public Questions

Press Time

XI. EXECUTIVE SESSION
Sale of Property 5 ILCS 120/2 (c) 6.
Acquisition of Real Estate 5 ILCS 120/2 (c.) 7.

ACTION: Motion to move to executive session for the purpose of discussing the sale and to discuss the purchase of property.

VOTE REQUIRED

XII. ADJOURNMENT

With no further action to come before the Council the Mayor declares meeting closed.

NO VOTE REQUIRED

**PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF THE CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, JANUARY 23, 2006 AT 5:30 O'CLOCK P.M.
FRANK M MACKAMAN * MAYOR * PRESIDING**

PRESENT: COMMISSIONERS, BLANCHARD, JONES, MADDOX AND DAGIT

ABSENT: NONE

The **Pledge of Allegiance** was led by Commissioner Daryl Dagit.

Roll was called and all commissioners were present.

Agenda

Motion by Com'r. Dagit, seconded by Com'r. Jones, that the **agenda be approved as presented**. On roll call vote, all present voted Aye.

Motion by Com'r. Dagit, seconded by Com'r. Jones, that the **Minutes of the Regular City Council Meeting of January 9, 2006 be approved as written**. On roll call vote, all present voted Aye.

Public Input on Agenda Items

There were no persons that addressed the Council.

Consent Agenda

Mayor Mackaman presented and read the following items under Consent Agenda.

1. **Receive and File Reports and Minutes:** Cash and Investments, Airport Commission, Traffic Safety Committee
2. **Receive and File Riverway Business Park Review Board Minutes Dated December 20, 2005**
The Riverway Business Park Review Committee met and did not need to grant any variances for the Amerhart project.
3. **Receive and File Zoning Board of Appeals Minutes Dated January 11, 2006**
4. **Receive and File Planning Commission Minutes Dated January 11, 2006**
5. **Receive and File Planning Commission Recommendation:**
 - a. Hearing #1696 - Special Use for a Used Car Lot with Property Tax I.D. #04-10-03-416-007 located at 312 Derby
 - b. Hearing #1697 – Site Plan for a Used Car Lot with Property Tax I.D. #04-10-03-416-007 located at 312 Derby

Motion by Com'r. Jones, seconded by Com'r. Dagit, that the Consent Agenda be **approved as presented**. On roll call vote, all present voted Aye.

Communications, Petitions, Reports

A **Public Hearing** was opened by Mayor Mackaman at 5:34 p.m. for the purpose of discussing the sale of 20 acres of Municipally owned property to **WINPAK HEAT SEAL CORPORATION** being part of Block 4 in Riverway Business Park known as 200 Hanna Drive. A legal notice was properly posted in the *Pekin Daily Times*. Persons were given the opportunity to be heard. There were no comments received from the public. The hearing was closed at 5:35 p.m.

Council heard a presentation by representatives of **URS** on the findings of an examination of the market potentials and development trends along the riverfront in an effort to better understand how to manage and guide future surrounding uses to maximize riverfront revitalization and development opportunities.

Motion by Com'r. Jones, seconded by Com'r. Maddox, that the **PEKIN RIVERFRONT MARKET ECONOMIC ANALYSIS PREPARED BY URS** be received and filed. On roll call vote, all present voted Aye.

Bob Reis Director of Finance presented the first Monthly Financial Report through December 31, 2005. The continuing Monthly report of the financial condition of the City would be presented at the second regular Council Meeting of each month.

New Business

ORDINANCE NO. 2457
AUTHORIZING THE SALE AND TRANSFER OF
MUNICIPALLY OWNED REAL PROPERTY

Motion by Com'r. Dagit, seconded by Com'r. Jones, that Ordinance No. 2457 be adopted. The agreement stated the conditions and obligations of the City and Winpak Inc. regarding the purchase and utilization of 20 acres of property in Riverway Business Park for the construction of Winpak's new facility (manufacturer of flexible packaging products primarily used for the food industry. On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Dagit that the **SPECIAL USE REQUEST to operate a used car lot at 312 Derby Street be approved.** On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Dagit that the **SITE PLAN for used car lot at 312 Derby Street be approved.** On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A246
AMENDING TITLE 8, CHAPTER 1, SECTION 9 OF THE CODE OF THE CITY OF PEKIN
1995 REGARDING WEIGHT LIMITATIONS – TRUCK ROUTES

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1462-A246 be adopted. The action recommended by the Traffic Safety Committee adjusted truck route for Veterans Drive and Mall Road listed in the Traffic Code. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A247
AMENDING TITLE 8, CHAPTER 4, SECTION 7 OF THE CODE OF THE CITY OF PEKIN
1995 REGARDING PENALTY FOR VIOLATION OF HANDICAPPED PARKING, FIRE
HYDRANTS ZONES, AND FIRE LAND ZONES

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1462-A247 be adopted. The action recommended by the Traffic Safety Committee, amended the code to increase the penalty for violation of parking in zones marked for handicapped vehicles from \$100 to \$250 and for areas zoned to be no parking for Fire Hydrants and Fire Lanes from \$100 to \$250. Council was informed that this action mirrored new state law provisions. On roll call vote, all present voted Aye.

ORDINANCE NO. 1462-A248
AMENDING TITLE 8, CHAPTER 4, SECTION 1 OF THE CODE OF THE CITY OF PEKIN
1995 REGARDING NO PARKING SCHEDULE

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1462-A248 be adopted. The action recommended by the Traffic Safety Committee, for the safety of vehicles and buses entering Hoyle parking lot, amended the code to include South Third Street from Broadway to Franklin Street on the west side. On roll call vote, all present voted Aye.

Motion by Com'r. Blanchard, seconded by Com'r. Maddox that the City of Pekin participate in **ILLINOIS RIVER COUNTRY COOPERATION MARKETING CAMPAIGN** in partnership with Peoria Area Convention and Visitor's Bureau in the amount of \$7,500. On roll call vote, all present voted Aye.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Com'r. Dagit informed Council that he had attended the ASA softball tournament held at the Dragon's Dome over the weekend. He commented on the success and turnout. He felt the concerns that Council may have had early in the construction of the facility which also would providing for the sale of alcohol were not there.

Mayor Mackaman and Com'r. Blanchard acknowledged that they had ridden with police officers at night to be able to be aware of the job that patrol has. They expressed appreciation for the work of the police department.

Greg Ranney Director of Solid Waste Department advised Council and the Public that contrary to an

article that had been written, there still was no market in glass for the department to pickup for recycling.

Denny Vaughn 2102 Marigold Drive addressed Council. He expressed concern that at the last meeting the Mayor required that the public speaking on subjects were required to be in the form of a question which made it difficult for the public to address Council on issues other than those on the agenda. Mayor Mackaman apologized and under advisement of Council and staff he agreed to allow public comments at the end of the meeting.

It was noted that within the URS Study the consultant was incorrect in reporting that the Central Business District was West of the Riverfront.

Tom Tincher 18985 Springfield Road Groveland addressed Council regarding the URS Study. He advised from experience that market studies could be counter productive and though the results were not what the Council may have wanted to hear, the study could provided direction. He encouraged Council not to give up the vision for the riverfront.

John McCabe 1407 Glendale questioned City Manager Dennis Kief on the cost of the market study. Mr. Kief reported that the URS Study was approximately \$90,000.00.

Reporters from the *Peoria Journal Star* and *Pekin Daily Time* were given the opportunity to ask questions.

Motion by Com'r. Maddox, seconded by Com'r. Blanchard that Council move to **Executive Session** at 6:50 P.M. to discuss Acquisition of Real Estate 5 ILCS 120/2 (c) 7 and Sale of Property 5 ILCS 120/2 (c) 6., and Personnel 5 ILCS 120/2 (c.) 1. On roll call vote, all present voted Aye.

No further business to come before the Council, Mayor Mackaman called the meeting closed.

COUNCIL ADJOURNED AT 8:00 P.M.

Sue E. McMillan
City Clerk

Electrical Commission Minutes
2/3/06

1. Present at meeting Mr. Mike Fisher, Mr. Gene Lindholm Mr. Charles Lauass Mr. Harold Lard Mr. Donald Erps and Mr. Mark Reeder.
2. Interview was held with Mr. Dave Benassi about his request to take Electrical Contractor Exam in City of Pekin. It was decided by the commission that Mr. Banassi had the requirements to take the exam. Mr. Reeder will contact Mr. Banassi and administer the exams.
3. Discussion was held about Mr. Jerry Horn request to use an alternative wiring method known as a "W.A.C'M block" in the City of Pekin and be given a letter stating its acceptance by the city electrical inspector. It was decided as long as the block was listed for the purpose and acceptance was still being considered by the NEC Mr. Horn would be allowed to use the devise.
4. Discussion about limiting the time allowed completing the electrical contractor exam. It was decided to limit the exam to 4 hours instead of the current method of no time limit.

City of Pekin

LIQUOR COMMISSION MINUTES

THURSDAY, DECEMBER 8, 2005

4:00 P.M.

CITY HALL COUNCIL CHAMBERS

Chairman Roy Bockler called the meeting to order at 4:00 p.m.

ROLL CALL

The following members were present for roll: Roy Bockler, David Eitenmiller, John McCabe, Holly Brown. Fire Chief Chuck Lauss entered the meeting at 4:05 p.m.

Absent: Gary Allen and Police Chief Tim Gillespie

Also present: Attorney Sue Bosich, Public Works Director Joe Wuellner, and City Clerk Sue McMillan.

APPROVAL OF AGENDA

Motion by Eitenmiller, seconded by Brown that the Agenda be approved as presented. On roll call vote, Eitenmiller, McCabe, Brown, and Bockler. Motion carried.

Chairman Bockler explained that he requested a standardize item "Status/Resolution of Hearings Held" be added to all agendas as order of business. The procedure would be beneficial in tracking, decisions of Liquor Commissioner, fines outstanding, and previous offences. Members spoke in support of making the recording keeping part of the official minutes.

APPROVAL OF MINUTES

Motion by Eitenmiller, seconded by McCabe that the Minutes of November 17, 2005 be approved as written. On roll call vote, Lauss, Eitenmiller, McCabe, Brown, and Bockler. Motion carried.

STATUS/RESOLUTION OF HELD HEARINGS

Attorney Bosich reported AMF Sunset Bowling Lanes license was suspended after a Hearing by the Liquor Commissioner for serving alcohol to minors. Notice was given in March for payment of \$500 fine. It was discovered that the \$400 attorney fee and \$200 invoice for court reporter services were not billed to licensee.

Discussion followed on deposition of the following 2005 violations brought to the attention of the commission:

- Hole in the Wall
- Nik's 4th Street Pub
- AMF Sunset Bowling Lanes
- Boardwalk
- Ol' Dad's

It was agreed to compile a list of all hearings in 2005, listing: Committee's recommendations, Liquor Commissioner's determinations, Orders of Reprimand, Suspension, Fines, costs paid.

NEW BUSINESS

Attorney Bosich reported that it was brought to her attention that the business which informed the City that they intended to open a liquor establishment on the second floor of the Gianessi Building on Court Street, were not completely complying with the provisions of the liquor code. Fire Chief Lauss and members discussed interpretation of the following language:

Approved sprinkler system shall be installed in all areas above, below or at street level where members of the public are permitted. On site inspection by the fire department for building occupancy permits, it was found that the system was only installed on the second level.

Members then questioned if it was their concern at this point to discuss compliance with NFPA101 Code or Liquor Code when there had not been a completed application or sign-off sheet for a request for a license.

There were no Reports from **Police Liaison Officer or Council Liaison.**

Discussion of **Code Revision Items** continued where committee members left off at last meeting: 3-3-5-3 VIEW FROM STREET.

Discussion of Code revisions:

- Joe suggested that the police department define "unobstructed view in regards to beer gardens and that a clear definition be prepared for revisions to the code. He noted that lattice fencing complies with the building department requirements.
- Remove "grandfathered." No longer applies
- Provision to allow for 6 month payment to be removed
- \$60.00 charge for fingerprinting to be paid in advance
- Application fee increase to \$150.00
- Bartenders added to 3-3-6 Employees: Qualifications requiring background check
- When plan is not implemented for establishment the license may not be re-established except as required for the initial granted license. Commission not willing to monitor open application longer than 6 months.

It was suggested to add to liquor license application cover sheet a signoff area for police liaison to review:

- View from Street
- Phone number of establishment and contact person
- Verify landline phone

Code revision draft to be completed for review by Commission at the January 26th 2006 meeting. Commission to recommend final code revisions to council at the February 13, 2006 Council Meeting.

ANY OTHER BUSINESS TO COME BEFORE THE COMMITTEE

Mayor Mackaman to be invited to the next liquor commission meeting.

Members questioned meeting for the second scheduled meeting of the month in December.

Motion by Eitenmiller, seconded by Brown that the regular meeting for December 22, 2005 be cancelled. On roll call vote, all present voted Aye. Motion carried.

No further business to come before the Commission, **motion was made by Lauss, seconded by McCabe to adjourn. On roll call vote, all present voted Aye. Motion carried.**

Meeting adjourned at 5:20 P.M.

Respectfully submitted
Sue E. McMillan

NEXT MEETING THURSDAY JANUARY 12, 2006 @ 4:00 P.M.

City of Pekin

LIQUOR COMMISSION MINUTES

THURSDAY, JANUARY 12, 2006

4:00 P.M.

CITY HALL COUNCIL CHAMBERS

Chairman Roy Bockler called the meeting to order at 4:00 p.m.

ROLL CALL

The following members were present for roll: Roy Bockler, David Eitenmiller, John McCabe, Holly Brown, Gary Allen, and Chief Tim Gillespie. Deputy Fire Chief Rick Bowman entered the meeting at 4:05 p.m.

Also present: Attorney Sue Bosich, Public Works Director Joe Wuellner, and Council Liaison Bill Maddox.

APPROVAL OF AGENDA

Motion by Eitenmiller, seconded by Gillespie that the Agenda be approved as presented. On roll call vote, Motion carried.

APPROVAL OF MINUTES

Motion by Eitenmiller, seconded by Brown that the Minutes of December 8th, 2005 be approved as written. On roll call vote, Motion carried.

STATUS/RESOLUTION OF HELD HEARINGS

Delayed until Attorney Bosich is present: Attorney Bosich entered the meeting at 4:07pm.

Discussion followed on deposition of the following 2005 violations brought to the attention of the commission: Attorney Bosich had hand-outs on the Hearings.

- Hole in the Wall
- Nik's 4th Street Pub
- AMF Sunset Bowling Lanes

McCabe questioned the "repeated offenders" and what the Commission can recommend to the Liquor Commissioner in order of fines, suspension or revoking a license. Sue B. explained the procedure and what the Commission can recommend.

NEW BUSINESS

City Attorney: Passed out hand-outs. Explanations on items on the Agenda.

Police Liaison Officer: Chief Gillespie informed the Commission that Hole in the Wall has complied with building a platform so officers can see in the building. Informed Commission that Koch Street Bar and Grill were closing their curtains and obstructing the view. They were notified and now are in compliance.

Chief had concerns about the Agenda under New Business on two local liquor establishments. Chairman Bockler stated he saw these in the newspaper (Captain's Wheel and Stagger Inn) and thought the Commission should know what happened even though there was not a liquor violation. Chief spoke on behalf of Sue B. and said that she would explain further. Sue's explanation is this does not need to be brought in front of the Liquor Commission unless a violation is issued. This is not the Liquor Commissions responsibility.

Council Liaison: Nothing at this time.

Liquor Application Dragon's Dome: Cindy Galyean was present to question the name change from Dragon's Dome Inc. to Dragon's Dome II, LLC and being charged for a new application. She stated that most of their paper work needed to be changed and the State required them to have all the same. She stated that they were not charged for the ball fields when they changed that name. Paula explained that on the ball fields, this was caught in time, matter of days. Dragon's Dome had that license for months.

Attorney Bosich explained that this was a new entity. New application new license, new owner. They did not have to go through the other steps or the Commission since they've already had their license.

Cindy wanted to make sure that the ball fields license was correct. I informed her that we needed the Insurance renewal faxed for mailed to us that it expired November 14th, 2005.

Code Revision Items

Discussion of Code revisions: Sue Bosich had hand-outs on the revisions.

- "unobstructed view in regards to beer gardens and that a clear definition be prepared for revisions to the code. Joe noted that lattice fencing complies with the building department requirements. Attorney Bosich stated this no longer applies to a Liquor License.
- Add un-obstructive view with a distance of 10 feet.
- Leave in "grandfathered" clause.
- Provision to allow for 6 month payment to be removed
- \$60.00 charge for fingerprinting to be paid in advance
- Application fee increase to \$150.00
- Bartenders added to 3-3-6 Employees: Qualifications requiring background check

Any new Code revisions to be brought to the January 26th meeting to discuss. Completed revision list by Commission at the February 9th 2006 Liquor Commission meeting. Commission to recommend final code revisions to council at the February 27th, 2006 Council Meeting. Check with City Clerk on posting (time frame) before the Council Meeting.

Attorney Bosich to look into "Pier" description changes and Beer Gardens.

ANY OTHER BUSINESS TO COME BEFORE THE COMMITTEE

Staff: Eitenmiller wanted an update on Vahalla (Bob Center) and the sprinkler system. Joe informed Commission that the 2nd floor had sprinklers. No other updates.

Gillespie had a concern that Kay Adkins had to sit through the whole meeting before she could speak to the Commission. Recommended that Public Questions be moved to the beginning of the Agenda.

Chairman Bockler and Holly Brown will be absent for the January 26th Liquor Commission meeting.

Public Questions:

Kay Adkins, former Liquor Licensee holder and present owner of the building of Stagger Inn. Kay had many complaints of the way the new owner of Stagger Inn is running the bar. It was suggested she make an appointment with Chief Gillespie to discuss complaints.

Press: None at this time.

No further business to come before the Commission, **motion was made to adjourn. On roll call vote, all present voted Aye. Motion carried.**

Meeting adjourned at 5:45 P.M.

Respectfully submitted
Paula Gensel

Memo

To: Denny Kief
From: Joseph W. Wuellner, Public Works Director
CC: Sue McMillan & Greg Ranney
Date: January 19, 2006
Re: Pekin Lake Project – Meeting Notes

Denny,

A meeting was held on January 18th to discuss the status of the Pekin Lake Project as well as other Corp of Engineers projects in the area. It appears that they may be finally getting to the point that actual construction may start as early as this year, but it will be the Peoria Lake Project first.

Pekin Lake is divided into two sections. The first one being considered is what is called Pekin Lake North. The work here involves everything north of the CILCO levee and is being designed to be more of a wetlands type habitat. A water level control structure will be built in the levee to control the water level and some means of adding water will be installed. Right now they expect that a contract should be awarded in early summer 2007. The original plan before they decided to take another look at all the projects was for this to have been built by now. The plans are nearing completion and all the real estate documents are being finalized. One thing that was mentioned is that they are seeing an average of 900 days to get a 401 Permit from the IEPA.

Pekin Lake South has been downsized from the original plans of two years ago. The only item that was removed was the experimental islands that they were going to install to see how the different processes would work. This work is in final review and once approved by HQ the final designs work will commence. The request for the 401 Permit was revised in September 2005 and is in process. They also found out that they will have to deal with the Pekin Boat Club for the access channel since they own half of it.

The project was broken down into two stages. The first stage will cut the channels and side cast the material to create a containment berm and form the middle island. Once that has been completed, they will then start dredging the areas to be deepened

to provide the fish habitat areas. Dredged material will go inside the berm that was created to create an island that they will then plant trees on the south end. This stage will follow right behind the first one and they anticipate the entire project taking two years to complete. They anticipate that the earliest it could be awarded would be late 2007 or early 2008.

All of these projects are right now waiting on authorization to continue so depending on when they get the authorization will drive the completion dates.

If you have any questions, please feel free to contact me.

Thanks,

Joe

LADD Meeting

January 18, 2006 Minutes

Members Present: Guidotti, Wehr, & Wuellner.

Spike called the meeting to order at 3:30 pm. The minutes from the December 20th meeting were reviewed and approved.

Financial Report: Ken presented the financial report, reviewing all accounts and bills. He then explained how the upcoming bond payment would have to be handled since the current cash flow indicates that we will be about \$60,000 short on March 1st. He plans to talk with the bank about a short term loan to cover until assessment payment come in May 1st and also the attorney to be sure this will not cause any issues with the bond. Explained this was an issue that was supposed to have been taken care of when the bond was created but the date was but as March 1st instead of May 1st.

Dredging: There has been no response from the IEPA as to the violation notice. Spike continues to perform the weekly inspections for compliance with the NPDES permit.

The revised schedule is as follows:

1. Ready land for sale ----- Jan. 2007

Retention Area: Another incident of trespassing occurred and the person was injured. Spike filed a criminal trespassing charge against the individual. No word yet from Peter on the status of the dam permits being closed. Joe will contact Peter about the dam permit. There has still been no word from Dave Milam on the sale of the silt. Ken covered some of the bills that had been received and material that had been removed through last year but stated that there were a few outstanding items that needed addressed. Spike said that he would try to get in touch with Dave.

Stilling Basin: The sink holes will be repaired by Ken as soon as the weather permits. Ken presented a drawing on how he thinks the trash screen could be attached utilizing the curtain removed from the retention pond. It was agreed to proceed with this installation.

Ditch from St. Clair Dr.: Still nothing has come up on the issue with Mr. Hayes. This portion of the work has been completed. No further reports.

Shoreline Improvements: It was suggested that we continue to look at other options to get this portion of the work completed. The most likely will be to hire a local contractor to do the work utilizing the two LAHA barges for transporting the riprap and excavator. There is very little funding remaining from the 319 grant but the work has to be completed in order to comply with the grant requirements. The final report has not been received and Joe will contact Peter to see what the status is. The tentative projected schedule for completing the rest of the grant work is as follows:

1. Final Engineering Report ----- Dec. 2005
2. Shoreline Improvements ----- May 15, 2006

Other Business:

Lake Remington --- Joe watching this work with regards to the outlet structure.

Next meeting: February 15, 2006 --- 3:30 pm

<i>Hardee's Bldg - Court/Parkway</i>	Design	Potential City of Peoria Project Status Reporting	1/31/2006
Candy Store	Complete	Open for business in old Taco Bell	Ron
Antonini's Train Depot	Construction	New offices/shops planned	Ron
NAPA Auto Bldg - 5th/Ann Eliza	Construction	Remodeling for new businesses. Sharp Income Tax open	Ron
Gingoteague General Store	Re-open	New owner	Ron
Aventine	Construction	Beginning major expansion of existing facility.	Ron
Amerhart	Design	New facility in Riverway Business Park	Ron
Winpak	Design	New facility in Riverway Business Park	Ron
Tazewell County Credit Union	Construction	Adding a drive thru teller area	Ron
West Campus	Prelim Design	Working on proposed Gateway Center.	Denny
Parkway Storm Sewers	Study	Reviewing existing ditch to receive water for capacity. Need heavy rain.	Joe
Pekin Boat Club Dredging	Bidding	Private dredging of channels around the club.	Ron
Pekin Hospital	Construction	Upgrading 8th floor pediatrics, LDR Facility on 2nd & 3rd floors, & diagnostics	Ron
McKenzie Building	Construction	Remodeling former cell areas for offices	Ron
Tazewell Machine	Construction	New addition	Ron
Burling & Son Excavating	Construction	New building to facility	Ron
Velde Ford	Construction	Addition and remodel	Ron
Dragon's Dome	Construction	Concession stand for outdoor ball fields	Ron
Subdivisions:			
Deerfield Sections 1, 2, & 3	Construction	Continuing to build homes	Ron
Deerfield Section 4	Construction	Doing site work. 26 homes	Ron
Marigold 9A	Construction	Continuing to build homes	Ron
Marigold 10 & 11	Construction	Starting to build homes. 22 homes	Ron
Marigold 12	Design	Plans for next addition. 28 homes	Ron
Velde Dr.	Construction	Working with developer on completing road.	Ron
Luticken's Cove	Construction	Continuing to build homes. Nothing more on the next section	Ron
Lake Whitehurst	Construction	Continuing to build homes	Ron
Sunset Hills 30, 31, & 32	Construction	Continuing to build homes	Ron
Lake Kennedy	Construction	Continuing to build homes	Ron
Lakeshore Condos	Construction	New 11 unit condo project	Ron
Sunset Lake Estates	Construction	Ready to start construction. 42 homes	Ron
Hickory Hills 1 thru 4	Construction	Continuing to build homes	Ron
Hickory Hills 5	Design	Awaiting construction plans.	Ron
Sierra Drive	Construction	Building homes.	Ron
Gingoteague #5	Construction	Building homes. 40 homes	Ron

NOTE: New listings in italics.		City of Pekin-Proj Status Report		1/31/2006
PROJECT	STATUS	DESCRIPTION	CONTACT	
Veterans Drive:				
Rt. 29 to Commercial Dr.	Prelim Design	Awaiting funding. Receive ROW from the FBOP	Joe	
Broadway to I474	Prelim Design	Awaiting funding. Public hearing held, assessing comments.	Denny	
I474 Interchange	Prelim Design	Continuing justification reports.	Denny	
IDOT Funded Projects:				
Broadway-Parkway Intersection	Design	Intersection Design Study in for review by IDOT	Joe	
Schramm to Veterans Drive	Prelim Design	County leading this project. FY2008	Denny	
14th - Park Ave Intersection	Bidding	Installing signals and reworking intersection. Bid received & being evaluated.	Joe	
Forest Dr. - Court St.	Awaiting Funds	Design study complete.	Denny	
Riverfront:				
Restroom Facility	Design	Working on design to remodel existing Sours Bldg.	Joe	
West Boat Ramp	Prelim Design	Grant received for area improvements.	Denny	
Pekin Lake	Planning	US Army Corps study ongoing. North 2007 South 2008	Joe	
Street Maintenance:				
Seal Coat 2006	Complete		Dave	
Brick Streets	Ongoing		Dave	
			Ron	
Commercial Projects:				
Helig-Meyers Bldg	Complete	Goodwill open. Nothing further for remainder of building.	Ron	
East Court Village I:	Design	Former Pekin Mall property.	Ron	
Starbucks	Construction	Reviewing plans for facility.	Ron	
Relocate ATM	Construction	ATM to move to different place.	Ron	
Outlot E	Planning	One unit open still nothing on the remainder.	Ron	
American General Finance	Complete	Business open	Ron	
CICI's Pizza & US Cellular	Construction	Two new stores.	Ron	
Outlot F	Construction	Three units. Verizon store slated for one.	Ron	
East Court Village II:	Design	Former SHOPKO Building. Review proposals as received.	Ron	
Steak N Shake	Hold	This project is currently on hold.	Ron	
Walmart:				
Existing Strip Center Bldg.	Construction	Two new stores. UPS Store and CATO's.	Ron	
Murphy Oil	Complete	New ATM station	Ron	
Outlot 2	Design	Potential client negotiating for this lot.	Ron	
Outlot 3:	Design	Nothing new has been proposed for this facility at this time.	Ron	
Sunset Plaza		Behind Walgreen's on Court	Ron	
Quizno's	Construction	New sandwich shop	Ron	
Cingular	Construction	New Cell phone dealer	Ron	
Trouble Free Plumbing/HVAC	Construction	Building new facility at site of former Bloompot Florist.	Ron	

TAZEWELL COUNTY ANIMAL CONTROL

City: PEKIN

Date: 2-1-06
Billing For Month of

January

\$3,260.75

RECEIVED

FEB - 3 2006

CITY CLERK

PEKIN CITY CLERK
111 S CAPITOL
ROOM 242
PEKIN IL 61554

Animal Counts Brought in by Wardens between January 1, 2006 and January 31, 2006

City	Warden	Origin	PickUp Site	PickUp Dat	Species	Breed	Disposition	Days	Log #
Pekin									
	Vogel	City	PEKIN ANIMAL HOSP	1/7/2006	Dog	BOSTON TERR	A	13	60194
	Vogel	City	2216 CRESTVIEW	1/5/2006	Cat	DSH	E	1	60196
	Hoyland	City	339 CAROLINE	1/23/2006	Dog	PIT	R	2	60281
	Vogel	City	1520 CENTER	1/30/2006	Dog	LAB			60306
	Hoyland	City	339 CAROLINE	1/23/2006	Dog	PIT	R	2	60282
	Vogel	City	2100 BLOCK PARKWAY	1/7/2006	Dog	POODLE	R	6	60211
	Vogel	City	1520 CENTER	1/30/2006	Dog	LAB			60307
	Vogel	City	1808 MEMORIAL	1/9/2006	Dog	COCKER	R	1	60215
	Vogel	City	208 N. 9TH	1/9/2006	Dog	TERR X	REL	8	60216
	Vogel	City	KROGER ON BROADWAY	1/24/2006	Dog	GRM SHORTHAI	R	1	60284
	Vogel	City	1202 VEERMAN	1/26/2006	Dog	POODLE X			60293
	Hoyland	City	212 HENRIETTA	1/13/2006	Cat	DLH	E	3	60237
	Vogel	City	1316 CENTER	1/11/2006	Dog	JACK RUSSELL	R	0	60228
	Hoyland	City	1009 IRENE	1/23/2006	Dog	PIT	R	2	60280
	Hoyland	City	1901 BROADWAY	1/23/2006	Cat	DSH			60279
	Vogel	City	1500 BLK OF SHERIDAN	1/12/2006	Dog	RET X	R	5	60231
	Hoyland	City	4TH ST MIDWAY	1/22/2006	Dog	LAB X	E	1	60267
	Mooney	City	214 COOPER	1/19/2006	Dog	SHEP	R	4	60260
	Mooney	City	815 WASHINGTON	1/14/2006	Dog	LAB	R	2	60241
	Mooney	City	1525 CENTER	1/13/2006	Cat	DSH			60240

Total Dogs picked up in Pekin: 16

Total Cats picked up in Pekin: 4

Total Others picked up in Pekin: 0

RECEIVED

FEB - 6 2006

CITY CLERK

Animal Counts Brought in by Individuals between January 1, 2006 and January 31, 2006

City	In By	Origin	PickUp Site	PickUp Dat	Species	Breed	Disposition	Days	Log #
Pekin									
	Individual	City	1507 CHARLOTTE	1/27/2006	Cat	DSH	E	3	60298
	Individual	City	1507 CHARLOTTE	1/27/2006	Cat	DSH	E	3	60297
	Individual	City	1513 HENRY	1/26/2006	Cat	DSH			60292
	Owner R	City	2005 CHICORY RD	1/20/2006	Cat	DSH	REL	0	60264
	Owner R	City	2005 CHICORY RD	1/20/2006	Cat	DSH	REL	0	60263
	Individual	City	PEKIN LIBRARY	1/18/2006	Dog	LAB	R	5	60258
	Individual	City	1305 S. 12TH ST	1/18/2006	Other	MOUSE	E	0	60255
	Owner R	County	13853 2ND ST	1/18/2006	Dog	PIT	E	0	60253
	Owner R	County	13853 2ND ST	1/18/2006	Dog	PIT	E	2	60252
	Owner R	County	13853 2ND ST	1/18/2006	Dog	PIT	E	2	60251
	Owner R	County	13853 2ND ST	1/18/2006	Dog	PIT	E	2	60250
	Owner R	County	13853 2ND ST	1/18/2006	Dog	PIT	E	2	60249
	Owner R	City	505 CHESTNUT	1/13/2006	Cat	DSH	E	0	60235
	Owner R	City	10484 EVERGREEN	1/5/2006	Cat	DSH	E	1	60198

Total Dogs picked up in Pekin: 6

Total Cats picked up in Pekin: 7

Total Others picked up in Pekin: 1

CITY OF PEKIN TRAFFIC SAFETY COMMITTEE MINUTES
FEBRUARY 2, 2006
4:00 P.M.
CITY HALL CONFERENCE ROOM

PRESENT: Denny Kief, Tim Gillespie, Joe Wuellner, Commissioner Blanchard, Chuck Lauss, and Dave Pagliaro. Also present was Sue McMillan and Joe Berardi

The meeting was called to order by Chairman Blanchard.

UNFINISHED BUSINESS:

1. Re-Evaluate Parking Light Ordinance

Jennifer DeHoog 619 S.12th Street addressed the committee and represented residents that were opposed to the provisions of the code regarding the requirement for lights in parked vehicles recently changed to 1:30 a.m. to 4:00 a.m. Mrs. DeHoog presented approximately 330 signatures of persons who had signed a petition requesting the committee reconsider. She summarized reasons that were heard in the community:

- Inconvenient for multi-driver families and visitors
- Lights break and batteries go dead
- Doesn't serve purpose as initially intended
- Police resources could be better spent
- Other cities do not enforce
-

Public does not understand City's reasons. Responses to reasons were:

- Law abiding citizens should not be responsible for drunk drivers negligence
- Emergencies requiring fire or police vehicles happen all hours not just 1:30 – 4:00 a.m.
- Fire Department should be professional drivers all hours
- Vandalism is deterred by street lights
- Vehicles are not "clutter" / streets are for vehicles
- Citizens pay taxes for streets

Gary Breinen 1506 South Capitol Street questioned the City's conflicting view of the ordinance as a safety issue or a parking issue. He felt the ordinance discriminates against the older area of town where residents do not have multiple garages and driveways.

The Police Chief felt the ordinance was a compromise to his recommendation to eliminate the light and initiate restricted parking on streets. He explained that ticketing was not intended to make money.

Com'r. Blanchard stated he had asked for review of the ordinance to clarify the language so that residents understood the provision easily.

Comments received:

- The ordinance does not state "blinking" light required as has been told when contacting the police department
- Department not consistent in enforcement of the law

Com'r. Blanchard suggested that communications between City employees and the public improve and that the community be better educated by placing adopted ordinances on Web Site and on Government Channel 22.

Denny informed those in attendance of the three options available for changing the law:

- TSC recommends to Council
- 2 Council members place on Council Agenda with or without TSC recommendation
- Referendum before voters for Council to consider

DECISION:

Motion by Pagliaro, seconded by Lauss that the Traffic Safety Committee re-evaluate and discuss the ordinance at **future meetings**. Motion carried by voice vote.

Denny left the meeting at 5:10 p.m.

NEW BUSINESS

2. Request Wording Change on Handicapped Sign to Deaf Child Davis Street

Jeannie Calvin voiced concern that the Deaf Child sign had been taken down from the street on which she and her deaf child live. Dave explained that the sign had been replaced with the City's standard Handicapped Person sign. Discussion followed on the City practice to not prioritize description of disability.

DECISION:

It was agreed to discuss at the **next traffic safety meeting** when all members were in attendance.

UNFINISHED BUSINESS

2. List of Changes for Bus Pickup at Grade Schools

Dave reported that he, Bill Scarcliff, Greg Ranney, Matt Wilkerson and Ken Memkin, District 108 viewed bus loading and parent drop-out areas at each school. A compiled list of recommendations was distributed. Faded signs had already been replaced or were in the process of being replaced. Members generally agreed with the time changes for no parking. Members discussed the need for buses and vehicles to pull onto school property. It was suggested that parents enter at the west entrance of Wilson School to eliminate the traffic congestion onto Koch Street. It was recommended that Matt return to the next TSC meeting to address the member's concerns.

ACTIONS:

Tim to talk to officers Taylor and Pennell regarding school dismissal times, in particular the shortening of hours for the no parking at Jefferson School

Dave to contact Matt and request his presence at the **next meeting**.

3. Parking Stickers for Downtown Businesses

Com'r. Blanchard had not contacted all businesses for input on attending an open meeting questions and answers session. He requested the discussion be postponed until **next meeting**.

4. Request for Stop Sign on Dell @ Melvina Street

Dave explained that Dell could be listed as a "through" street from Derby to Melvina. All streets coming into Dell already stop except Melvina. Discussion followed. There were concerns that a three way stop was not needed at the intersection.

DECISION:

Members agreed to take a look at the area for the request and place back on the agenda for **next meeting**.

NEW BUSINESS

1. Request Handicapped Space 1512 Anna Road (Mary Gilbert)

Members discussed the layout of the apartments and the availability of an adjacent parking lot.

DECISION:

Motion by Wuellner, seconded by Pagliaro that no action be taken in marking handicapped space for request on Anna Road for an individual. Motion carried by voice vote.

ACTION:

Dave to contact individual to inform them of the decision of the TSC.

3. Request Stop Sign Fawnridge and Deerfield (Kyle Graden)

Dave reported that in addition to a stop sign there was a request for "dead end / no outlet" signage and that it had already been taken care of along with reflectors. It was the opinion of members that it was advantageous to recommend the stop and to also complete signage through Petri and through Deerfield in the new subdivision.

DECISION:

Motion by Pagliaro, seconded by Lauss to recommend to Council stop signs as indicated in Deerfield Estates. Motion carried by voice vote.

ACTION:

Sue to prepare ordinance for the Council meeting of February 13, 2006.

4. Remove No Parking Sign at S. 7th North of Park Avenue

It was noted the intention of the no parking sign was for customer entrance into the old Knights of Columbus Hall on 7th Street.

DECISION:

Motion by Lauss, seconded by Wuellner that the No Parking area on 7th Street at Park Avenue be removed. Motion carried by voice vote.

ACTION:

Sue to prepare ordinance for the Council meeting of February 13, 2006. *N/A Not in Code to remove-take down sign

5. Request to Move No Parking Sign from 85 ft. to 50 ft

S. 7th north of Derby

Members discussed that the need no longer existed for the longer length of no parking. It was agreed that the additional parking could be used for Ernie's customers.

DECISION:

Motion by Lauss, seconded by Wuellner that No Parking Schedule be changed to indicate no parking on S. 7th 50 ft from Derby. Motion carried by voice vote.

ACTION:

Sue to prepare ordinance for the Council meeting of February 13, 2006.

6. Request Yield/Stop/Merge Sign East off Bridge Turning South on Rt. 29/2nd Street

Joe reported that the signs had already been taken care of by the State.

NO ACTION NEEDED

7. List in Code of Handicapped Parking Areas

Sue reported that Bill Scarcliff and Dave Pagliaro had been out checking all handicapped signs comparing to the list in the code. Sue distributed that list indicating those that would be recommended to be removed or the language that needed to be stated in the code for signs that were posted.

ACTION:

Sue to prepare ordinance for Council meeting of February 13, 2006

AROUND THE TABLE:

Dave noted he had been in contact with the resident on 18th street to seek their input on placing a no parking sign at the curve of 18th Street. It was decided that no action would be taken.

Joe informed the committee of a Pedestrian Safety Grant that he and Dustin Salmon from the City are involved in. Fed Ex will award \$10,000 grant provided by Safe Kids for to facilitate an environmental change in pedestrian safety. The funding will be utilized for solar powered signage at the targeted crosswalk for Coal Miners Park from the High School Stadium Drive crossing Parkway Drive. The group hopes to complete a second project at the Bike Trail - Broadway and 20th Street.

Motion by Gillespie, seconded by Lauss that the meeting be adjourned. Motion carried by voice vote.

Meeting Adjourned at 6:20 P.M.

Respectfully submitted

Sue E. McMillan

NEXT MEETING THURSDAY, MARCH 2, 2006 @ 4:00 P.M.

PERMIT FILE REPORT - BY TYPE
FROM: 1/01/06 TO: 1/31/06

TYPE- 100 BUILDING PERMIT-SINGLE FAMILY

PERMIT # USE/OCCUPANCY	ADDRESS OWNER INFORMATION	DISTRICT LOCATION GPIN CONSTRUCTION TYPE/INSPECTOR #/NAME	ZONING	EST COST APPLICATION/APPROVE/ISSUE/EXPIRATION DATES FEE AMT/EST VAL BOND AMT/DATE	PAID AMOUNT/DATE BOND AMT/DATE
200600010 100 R3	605 BUCKHAVEN ST RESIDENTIAL ONE/TWO FAMILY	456 MARVIN SPICZKA 10-10-11-106-026 R-2 100 R3 RESIDENTIAL ONE/TWO FAMILY 00020 RON SIEH		0 1/05/06 1/05/06 1/05/06 0 1,174.50 0 157,500	0 0/00/00 7/05/06 0 0/00/00
200600018 100 R3	1305 ALEXANDRA WA RESIDENTIAL ONE/TWO FAMILY MARK & MICHELLE BOND 1305 ALEXANDRA WAY PEKIN IL 6-1554	387 P & W BUILDERS 04-10-26-203-012 R-3 100 R3 RESIDENTIAL ONE/TWO FAMILY 00020 RON SIEH		0 1/06/06 1/06/06 1/06/06 0 1,364.00 0 210,000	0 0/00/00 7/06/06 0 0/00/00
200600019 100 R3	1812 WINGED FOOT DR RESIDENTIAL ONE/TWO FAMILY WILSON SMITH 1812 WINGED FOOT PEKIN IL	701 DAVE SNELL BUILDERS 05-05-30-401-005 RE 100 R3 RESIDENTIAL ONE/TWO FAMILY 00000		0 1/06/06 1/06/06 1/06/06 0 2,078.00 0 375,000	0 0/00/00 7/06/06 0 0/00/00
200600122 100 R3	212 IRONWOOD DR RESIDENTIAL ONE/TWO FAMILY	4 REED.E O 05-05-31-311-030 R2 100 R3 RESIDENTIAL ONE/TWO FAMILY 00020 RON SIEH		0 1/31/06 1/31/06 1/31/06 0 1,392.00 0 225,000	0 0/00/00 7/31/06 0 0/00/00

TOTALS: 4 PERMITS EST. COST- \$0 PERMIT FEES- \$6,008.50 PAID- \$0.00 BOND- \$0.00

PERMIT # USE/OCCUPANCY	ADDRESS	OWNER INFORMATION	DISTRICT LOCATION CPIN CONSTRUCTION TYPE/INSPECTOR #/NAME	ZONING	CONTRACTOR #/NAME	APPLICATION/ISSUE/EXPIRATION DATES FEE AMT/EST VAL	EST COST	PAID AMOUNT/DATE BOND AMT/DATE
200600003	2000 HIGHWOOD AV		IL 6-1554		269 HAWKINS CUSTOM BUILDERS 10-10-12-411-010 R-2	1/03/06	30,000	0 0/00/00
130 ROOM ADDITION/ALTERATION	TAYLOR WILLIAM F		130 ROOM ADDITION/ALTERATION	R-2	130 ROOM ADDITION/ALTERATION	1/03/06	156.00	7/03/06
	2000 HIGHWOOD AVE		00020 RON SIEH		00020 RON SIEH	1/03/06	30,000	0 0/00/00
	PEKIN							
200600005	2012 SUNSET DR		IL 6-1554		698 SPICER CONSTRUCTION 04-10-01-409-012	1/04/06	11,000	0 0/00/00
130 ROOM ADDITION/ALTERATION	COX GEORGE W		130 ROOM ADDITION/ALTERATION		130 ROOM ADDITION/ALTERATION	1/04/06	141.00	7/04/06
	2012 SUNSET DR		00020 RON SIEH		00020 RON SIEH	1/04/06	11,000	0 0/00/00
	PEKIN							
200600026	1428 ILLINOIS ST		IL 6-1554		593 HOMEWONER 04-04-35-220-014	1/10/06	5,000	0 0/00/00
130 ROOM ADDITION/ALTERATION	ROMANS PAUL		130 ROOM ADDITION/ALTERATION		130 ROOM ADDITION/ALTERATION	1/10/06	50.00	7/10/06
	10 ROSEWOOD LANE		00020 RON SIEH		00020 RON SIEH	1/10/06	5,000	0 0/00/00
	PEKIN							
200600051	2004 WILLOW ST		IL 6-1554		593 HOMEWONER 04-04-36-318-008 R-3	1/13/06	4,000	0 0/00/00
130 ROOM ADDITION/ALTERATION	JEFF LOWER		130 ROOM ADDITION/ALTERATION	R-3	130 ROOM ADDITION/ALTERATION	1/13/06	62.00	7/13/06
	2004 WILLOW ST		00020 RON SIEH		00020 RON SIEH	1/13/06	4,000	0 0/00/00
	PEKIN							
200600060	214 N PARKWAY DR		IL 6-1554		593 HOMEWONER 04-04-36-412-005 R-2	1/17/06	1,200	0 0/00/00
130 ROOM ADDITION/ALTERATION	WALKER HAROLD D		130 ROOM ADDITION/ALTERATION	R-2	130 ROOM ADDITION/ALTERATION	1/17/06	20.00	7/17/06
	214 PARKWAY DR		00020 RON SIEH		00020 RON SIEH	1/17/06	1,200	0 0/00/00
	PEKIN							
200600066	1617 NIGHTHAWK CT		IL 6-1554		268 GHELDARDIN ED INC 05-05-32-103-005 R-1	1/17/06	25,000	0 0/00/00
130 ROOM ADDITION/ALTERATION	LUTTICKENS COVE LLC		130 ROOM ADDITION/ALTERATION	R-1	130 ROOM ADDITION/ALTERATION	1/17/06	183.00	7/17/06
	801 SW JEFFERSON ST		00020 RON SIEH		00020 RON SIEH	1/17/06	25,000	0 0/00/00
	PEORIA							
200600068	214 JANE ST		IL 6-1554		647 EVANS ENTERPRISE 04-04-34-225-005	1/17/06	1,300	0 0/00/00
130 ROOM ADDITION/ALTERATION	TEMPLE VICTOR R		130 ROOM ADDITION/ALTERATION		130 ROOM ADDITION/ALTERATION	1/17/06	20.00	7/17/06
	P O BOX 208		00020 RON SIEH		00020 RON SIEH	1/17/06	1,300	0 0/00/00
	DOUGLAS							
200600077	1119 WOODLAWN CT		WY 6-1554		593 HOMEWONER 04-10-03-405-019	1/20/06	15,000	0 0/00/00
130 ROOM ADDITION/ALTERATION	DARR DARRIN & KNIPMEYER KEITH		130 ROOM ADDITION/ALTERATION		130 ROOM ADDITION/ALTERATION	1/20/06	133.00	7/20/06
	233 MAPLE PARK DRIVE		00020 RON SIEH		00020 RON SIEH	1/20/06	15,000	0 0/00/00
	PEKIN							
200600083	1226 STATE ST		IL 6-1554		593 HOMEWONER 04-04-35-424-009	1/23/06	2,000	0 0/00/00
130 ROOM ADDITION/ALTERATION	TUCKER JACOB M & MILLER JENNIE		130 ROOM ADDITION/ALTERATION		130 ROOM ADDITION/ALTERATION	1/23/06	20.00	7/23/06
	1226 STATE ST		00020 RON SIEH		00020 RON SIEH	1/23/06	2,000	0 0/00/00
	PEKIN							

TYPE- 150 FENCE PERMIT

PERMIT #

USE/OCCUPANCY

ADDRESS

OWNER INFORMATION

PERMIT FILE REPORT - BY TYPE

FROM: 1/01/06 TO: 1/31/06

2/06/06

PAGE 5

DISTRICT LOCATION GPIN

CONTRACTOR #/NAME

CONSTRUCTION TYPE/INSPECTOR #/NAME

ZONING

EST COST

APPLICATION/APPROVE/ISSUE/EXPIRATION DATES

FEE AMT/EST VAL

BOND AMT/DATE

200501268

1201 PARK AV

449 SAM HAYWORTH FENCE COMPANY

1/31/06

2,000

1/31/06

0

0/00/00

150 FENCE

BUDISALICH STEVE

04-10-02-225-014

150 FENCE

20.00

7/31/06

0

0/00/00

1201 PARK AVE

00020 RON SIEH

2,000

PEKIN

IL

6-1554

TOTALS:

1 PERMITS

EST. COST-

\$2,000

PERMIT FEES-

\$20.00

PAID-

\$.00

BOND-

\$.00

PERMIT # USE/OCCUPANCY	ADDRESS	OWNER INFORMATION	DISTRICT LOCATION GPIN CONSTRUCTION TYPE/INSPECTOR #/NAME	ZONING	CONTRACTOR #/NAME	APPLICATION/ISSUE/EXPIRATION DATES FEE AMT/EST VAL	EST COST	PAID AMOUNT/DATE BOND AMT/DATE
200600038	1704 COURT ST	180 BUSINESS ALT/ADD	180 BARNARD BRAD L TENANT/EDWARD JONES PEKIN	IL	6-1554	702 HORIZON RETAIL CONSTRUCTION 04-10-02-243-002	20,550	0 0/00/00
200600047	517 PARKWAY DR	180 BUSINESS ALT/ADD	180 BRUCE LIN 1710 EAST JACKSON MACOMB	IL	6-1455	702 HORIZON RETAIL CONSTRUCTION 04-10-02-243-002	20,550	0 0/00/00
200600111	600 S 13TH ST	180 BUSINESS ALT/ADD	180 PEKIN HOSPITAL/RADIOLOGY 600 S 13TH PEKIN	IL	6-1554	702 HORIZON RETAIL CONSTRUCTION 04-10-02-243-002	20,550	0 0/00/00
200600120	1704 COURT ST	180 BUSINESS ALT/ADD	180 BARNARD BRAD L TENANT/EDWARD JONES PEKIN	IL	6-1554	702 HORIZON RETAIL CONSTRUCTION 04-10-02-243-002	20,550	0 0/00/00
TOTALS: 4 PERMITS EST. COST-								
		\$426,100	PERMIT FEES-	\$1,511.65	PAID-	\$.00	BOND-	\$.00

PERMIT FILE REPORT - BY TYPE
FROM: 1/01/06 TO: 1/31/06

TYPE- 150 ELECTRIC BUSINESS

PERMIT # USE/OCCUPANCY	ADDRESS OWNER INFORMATION	DISTRICT LOCATION GPIN CONSTRUCTION TYPE/INSPECTOR #/NAME	ZONING	EST COST APPLICATION/ISSUE/EXPIRATION DATES FEE AMT/EST VAL BOND AMT/DATE	PAID AMOUNT/DATE BOND
200600016 350 ELECTRIC BUSINESS	328 BROADWAY ILLINOIS AMERICAN WATER CO 328 BROADWAY PEKIN IL 6-1554	700 MORSE ELECTRIC INC 04-10-03-209-003 ELECTRIC BUSINESS 00040 MARK REEDER	OS-1	39,500 1/05/06 0 0/00/00 268.00 1/05/06 0 0/00/00 39,500	
200600033 350 ELECTRIC BUSINESS	606 S 13TH ST PEKIN MEMORIAL HOSPITAL 600 S 13TH ST PEKIN IL 6-1554	13 CRISTAL ELECTRIC/BRETT CRIST 04-10-02-227-006 ELECTRIC BUSINESS 00040 MARK REEDER	OS-1	22,000 1/11/06 0 0/00/00 163.00 1/11/06 0 0/00/00 22,000	
200600042 350 ELECTRIC BUSINESS	2021 S 14TH ST TWIN OAKS APTS 2201 S 14TH STREET PEKIN IL 6-1554	30 LASER ELECTRIC 10-10-11-400-014 ELECTRIC BUSINESS 00040 MARK REEDER		3,000 1/12/06 0 0/00/00 49.00 1/12/06 0 0/00/00 3,000	
200600090 350 ELECTRIC BUSINESS	1704 COURT ST BARNARD BRAD L TENANT/EDWARD JONES PEKIN IL 6-1554	30 LASER ELECTRIC 04-10-02-243-002 ELECTRIC BUSINESS 00040 MARK REEDER		4,000 1/19/06 0 0/00/00 55.00 1/19/06 0 0/00/00 4,000	
TOTALS:	4 PERMITS	EST. COST- \$68,500	PERMIT FEES- \$535.00	PAID- \$.00	BOND- \$.00

PERMIT # USE/OCCUPANCY	ADDRESS	OWNER INFORMATION	DISTRICT LOCATION GPIN CONSTRUCTION TYPE/INSPECTOR #/NAME	ZONING	CONTRACTOR #/NAME	EST COST APPLICATION/APPROVE/ISSUE/EXPIRATION DATES FEE AMT/EST VAL	PAID AMOUNT/DATE BOND AMT/DATE
200600050 400 HVAC REPAIR/REPLACE PETERSON CRAIG A 2234 AUTUMN DR PEKIN IL 6-1554	2234 AUTUMN DR PETERSON CRAIG A 2234 AUTUMN DR PEKIN		73 CORDTS HEATING & AIR 04-04-36-210-021 400 HVAC REPAIR/REPLACE 00060 JACK SHERIDAN			1/13/06 1/13/06 1/13/06 20.00 0 0	0 0/00/00 7/13/06 0 0/00/00
200600057 400 HVAC REPAIR/REPLACE PARKER SIDNEY W TRUSTEE 14480 MENNONITE CHURCH RD PEKIN IL 6-1554	1622 HIGHWOOD AV PARKER SIDNEY W TRUSTEE 14480 MENNONITE CHURCH RD PEKIN		145 STUBER, CRAIG 10-10-12-216-007 400 HVAC REPAIR/REPLACE 00060 JACK SHERIDAN			1/16/06 1/16/06 1/16/06 20.00 0 0	0 0/00/00 7/16/06 0 0/00/00
200600062 400 HVAC REPAIR/REPLACE RAHN ROBERT K JR 2126 HILLCREST AVE PEKIN IL 6-1554	2126 HILLCREST AV RAHN ROBERT K JR 2126 HILLCREST AVE PEKIN		107 MCCAMY HEATING 10-10-12-211-004 400 HVAC REPAIR/REPLACE 00060 JACK SHERIDAN			1/17/06 1/17/06 1/17/06 40.00 0 0	0 0/00/00 7/17/06 0 0/00/00
200600063 400 HVAC REPAIR/REPLACE DAHLGREN RONALD L 1831 HIGHWOOD AVE PEKIN IL 6-1554	1831 HIGHWOOD AV DAHLGREN RONALD L 1831 HIGHWOOD AVE PEKIN		107 MCCAMY HEATING 10-10-12-409-015 400 HVAC REPAIR/REPLACE 00060 JACK SHERIDAN			1/17/06 1/17/06 1/17/06 40.00 0 0	0 0/00/00 7/17/06 0 0/00/00
200600064 400 HVAC REPAIR/REPLACE MCCLARY HARVEY W 214 CAROLINE ST PEKIN IL 6-1554	214 CAROLINE ST MCCLARY HARVEY W 214 CAROLINE ST PEKIN		563 DISCOUNT HEATING & COOLING 04-04-34-415-004 400 HVAC REPAIR/REPLACE 00060 JACK SHERIDAN			1/17/06 1/17/06 1/17/06 20.00 0 0	0 0/00/00 7/17/06 0 0/00/00
200600074 400 HVAC REPAIR/REPLACE RIEDLINGER ALBERT 806 S CAPITOL ST PEKIN IL 6-1554	806 S CAPITOL ST RIEDLINGER ALBERT 806 S CAPITOL ST PEKIN		110 WILLIAM MASTERS HVAC 04-10-03-242-002 400 HVAC REPAIR/REPLACE 00060 JACK SHERIDAN			1/19/06 1/19/06 1/19/06 20.00 0 0	0 0/00/00 7/19/06 0 0/00/00
200600081 400 HVAC REPAIR/REPLACE OHARA MICHAEL PATRICK 1514 S 6TH ST PEKIN IL 6-1554	1514 S 6TH ST OHARA MICHAEL PATRICK 1514 S 6TH ST PEKIN		145 STUBER, CRAIG 10-10-11-101-020 400 HVAC REPAIR/REPLACE 00060 JACK SHERIDAN			1/23/06 1/23/06 1/23/06 20.00 0 0	0 0/00/00 7/23/06 0 0/00/00
200600084 400 HVAC REPAIR/REPLACE PEARSON KELLY 528 CATHERINE ST PEKIN IL 6-1554	528 CATHERINE ST PEARSON KELLY 528 CATHERINE ST PEKIN		63 A & A HEATING & AIR 04-04-35-319-008 400 HVAC REPAIR/REPLACE 00060 JACK SHERIDAN			1/24/06 1/24/06 1/24/06 20.00 0 0	0 0/00/00 7/24/06 0 0/00/00
200600085 400 HVAC REPAIR/REPLACE DAVIS MARLENE 210 HENRIETTA ST PEKIN IL 6-1554	210 HENRIETTA ST DAVIS MARLENE 210 HENRIETTA ST PEKIN		63 A & A HEATING & AIR 04-04-34-401-005 400 HVAC REPAIR/REPLACE 00060 JACK SHERIDAN			1/24/06 1/24/06 1/24/06 20.00 0 0	0 0/00/00 7/24/06 0 0/00/00

TYPE- 425 HVAC BUSINESS

PERMIT FILE REPORT - BY TYPE
FROM: 1/01/06 TO: 1/31/062/06/06
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PERMIT # USE/OCCUPANCY	ADDRESS OWNER INFORMATION	DISTRICT LOCATION CONSTRUCTION TYPE/INSPECTOR #/NAME	ZONING	EST COST APPLICATION/APPROVE/ISSUE/EXPIRATION DATES FEE AMT/EST VAL	PAID AMOUNT/DATE BOND AMT/DATE
200600022 425 HVAC BUSINESS	2118 COURT ST RAHN ROBERT K 2118 COURT ST PEKIN	IL 6-1554	107 MCCAMY HEATING 04-10-01-408-008 425 HVAC BUSINESS JACK SHERIDAN	2,900 1/09/06 80.00 2,900	0 0/00/00 1/09/06 7/09/06 0 0/00/00
200600054 425 HVAC BUSINESS	601 PRINCE ST BACCHESCHI ROBERT & DIANE 601 PRINCE ST PEKIN	IL 6-1554	145 STUBER, CRAIG 04-10-02-131-003 425 HVAC BUSINESS JACK SHERIDAN	35,000 1/16/06 265.00 35,000	0 0/00/00 1/16/06 7/16/06 0 0/00/00
200600071 425 HVAC BUSINESS	3412 VETERANS DR CATO STORE	IL 6-1554	633 MILLIGAN GROUP LLC 11-11-07-400-036 B-3 425 HVAC BUSINESS JACK SHERIDAN	15,000 1/18/06 360.00 15,000	0 0/00/00 1/18/06 7/18/06 0 0/00/00
200600123 425 HVAC BUSINESS	600 S 13TH ST PEKIN HOSPITAL/RADIOLOGY 600 S 13TH PEKIN	IL 6-1554	291 STANDARD HEATING & COOLING 04-10-02-226-001 OS-1 425 HVAC BUSINESS JACK SHERIDAN	57,781 1/31/06 424.46 57,781	0 0/00/00 1/31/06 7/31/06 0 0/00/00
200600131 425 HVAC BUSINESS	203 COURT ST PEKIN UNION MISSION 203 COURT ST PEKIN	IL 6-1554	141 SNIDER PLUMBING & HEATING 04-04-34-432-007 425 HVAC BUSINESS JACK SHERIDAN	30,000 1/03/06 230.00 30,000	0 0/00/00 1/03/06 7/03/06 0 0/00/00
TOTALS:	5 PERMITS	EST. COST- \$140,681	PERMIT FEES- \$1,359.46	PAID- \$0.00	BOND- \$0.00

TYPE- 500 PLUMBING REPAIR/REPLACE

PERMIT FILE REPORT - BY TYPE
FROM: 1/01/06 TO: 1/31/06

2/06/06
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PERMIT # USE/OCCUPANCY	ADDRESS	DISTRICT LOCATION GPIN	CONTRACTOR #/NAME	CONSTRUCTION TYPE/INSPECTOR #/NAME	ZONING	EST COST APPLICATION/APPROVE/ISSUE/EXPIRATION DATES FEE AMT/EST VAL	PAID AMOUNT/DATE BOND AMT/DATE
TOTALS:	9 PERMITS	EST. COST-	\$5,300	PERMIT FEES-	\$267.00	PAID-	BOND- \$.00

TYPE- 525 SEWER REPAIR/REPLACE

PERMIT FILE REPORT - BY TYPE
FROM: 1/01/06 TO: 1/31/062/06/06
PAGE 17

PERMIT # USE/OCCUPANCY	ADDRESS OWNER INFORMATION	DISTRICT LOCATION CONSTRUCTION TYPE/INSPECTOR #/NAME	ZONING	EST COST APPLICATION/APPROVE/ISSUE/EXPIRATION DATES FEE AMT/EST VAL BOND AMT/DATE	PAID AMOUNT/DATE
200600124	414 MANOR	259 ROOTERMATIC INC		0 0/00/00	
525 SEWER REPAIR/REPLACE	EUBANKS KENNETH R	04-04-36-317-003		1/30/06 1/30/06 7/30/06	
414 MANOR		525 SEWER REPAIR/REPLACE		45.00 0 0/00/00	
PEKIN		00030 LARRY SEVIER		0	
	IL 6-1554				
200600126	1516 MECHANIC ST	180 BURLING & SON EXCAVATING		0 0/00/00	
525 SEWER REPAIR/REPLACE	STROPE WILLIAM	04-10-03-427-009		1/31/06 1/31/06 7/31/06	
1516 MECHANIC ST		525 SEWER REPAIR/REPLACE		45.00 0 0/00/00	
PEKIN		00030 LARRY SEVIER		0	
	IL 6-1554				
TOTALS:	11 PERMITS	\$3,500	PERMIT FEES- \$495.00	PAID- \$.00	BOND- \$.00

TYPE - 625 TEMPORARY SIGNS

PERMIT FILE REPORT - BY TYPE
FROM: 1/01/06 TO: 1/31/06

2/06/06
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PERMIT # USE/OCCUPANCY	ADDRESS	OWNER INFORMATION	DISTRICT LOCATION GPIN	CONTRACTOR #/NAME	CONSTRUCTION TYPE/INSPECTOR #/NAME	ZONING	EST COST APPLICATION/APPROVE/ISSUE/EXPIRATION DATES FEE AMT/EST VAL	PAID AMOUNT/DATE BOND AMT/DATE
200502226	1800 COURT ST			593 HOMEWONER				
625 TEMPORARY SIGNS	PARKSIDE AUTO SALES		625	04-10-01-102-001				
	1800 COURT ST		00020	TEMPORARY SIGNS				
	PEKIN	IL	6-1554	RON SIEH				

200600096	1414 N 8TH ST			593 HOMEWONER				
625 TEMPORARY SIGNS	EIGHTH ST CENTER TRUST		625	04-04-35-115-009		B-3		
	22917 MARINA DR		00020	TEMPORARY SIGNS				
	PLAINFIELD	IL		RON SIEH				

TOTALS:	2 PERMITS	EST. COST-	\$0	PERMIT FEES-	\$40.00	PAID-	\$.00	BOND-	\$.00
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BUILDING REPORT 2005

MONTH	DWELLINGS	GARAGES	MULTI-FAMILY	COMMERCIAL	COMMERCIAL REMODELING	RESID REM					
JANUARY	2.00	\$419,750	2.00	\$265,000	3.00	\$835,000	4.00	\$554,000	6.00	\$	
FEBRUARY	5.00	\$908,850	1.00	\$2,880	2.00	\$270,000	5.00	\$573,000	0.00	\$0	8.00
MARCH	11.00	\$2,168,250	4.00	\$36,980	0.00	\$0	4.00	\$1,546,000	4.00	\$15,000	9.00
APRIL	4.00	\$851,250	8.00	\$81,000	2.00	\$255,000	1.00	\$40,000	0.00	\$0	14.00
MAY	5.00	\$1,164,000	2.00	\$20,000	19.00	\$2,226,750	4.00	\$56,400	1.00	\$14,000	28.00
JUNE	8.00	\$1,376,250	5.00	\$42,980	1.00	\$125,000	3.00	\$1,449,000	2.00	\$252,000	0.00
TOTAL 6 MO.	35.00	\$6,888,350	22.00	\$205,360	26.00	\$3,141,750	20.00	\$4,499,400	11.00	\$835,000	65.00
JULY	6.00	\$566,341	2.00	\$12,800	3.00	\$368,625	1.00	\$36,000	1.00	\$60,000	12.00
AUGUST	10.00	\$1,473,550	6.00	\$57,720	0.00	\$0	3.00	\$85,000	2.00	\$69,000	17.00
SEPTEMBER	9.00	\$1,627,500	9.00	\$99,840	0.00	\$0	1.00	\$15,000	3.00	\$331,000	26.00
OCTOBER	5.00	\$1,170,000	7.00	\$82,020	2.00	\$294,000	0.00	\$0	3.00	\$33,000	22.00
NOVEMBER	5.00	\$687,500	3.00	\$31,680	2.00	\$300,000	9.00	\$1,304,465	7.00	\$158,000	9.00
DECEMBER	2.00	\$251,250	0.00	\$0	0.00	\$0	4.00	\$194,100	4.00	\$262,436	4.00
TOTAL 6 MO.	37.00	\$5,776,141	27.00	\$284,060	7.00	\$962,625	18.00	\$1,634,565	20.00	\$913,436	90.00
YEAR	72	\$12,664,491	49.00	\$489,420	33.00	\$4,104,375	38.00	\$5,133,965	31.00	\$1,748,436	155.00



received
2/13/06 -DK

Received File 2/13/06

**City of Pekin
Wastewater Division**

Monthly Meeting – February 8, 2006

- 1. The State Street Bar screen has been repaired. There are now other problems With the bar screen assembly.**
- 2. Chuck Lauss from the Fire Department is going over our Chlorine Room procedures and will write up a SOP for changing out the chlorine tanks. This is and always will be a concern. We have received a new CL2 gas monitor and Farnsworth is looking into the Methane room gas monitor. These will be incorporated into the alarm system so there will be a callout should there be a problem.**
- 3. Jim KammueLLer stopped down this month and went over our operating procedures. From now on if time permits David Pagliaro will be called and will come to the WWTP to also meet with Jim KammueLLer.**
- 4. Primary pump #4 has failed on seal failure. Foremost has been contacted on this issue.**
- 5. Gary Davis has came down and went over the Primary pump alternation program and it is now in operation.**
- 6. Work has started on the primary tank rake assemblies and should be completed in approximately 1-2 weeks.**
- 7. Bruce Bontz should have his response to his operating criteria concerning the sludge lagoon this week.**
- 8. Grit chamber, Head works. What might be the timeframe on this project?**
- 9. The 503 report has been sent off to the US-EPA. This month looks good as far as any excursions except for the final chlorination which a letter has already been Sent to the State EPA. There were 5 cl2 excursions in January on the final effluent.**

- 10. Aeration for the South digester was mentioned by Jim Kammuelier. Also to bring to light is the question from Gary Davis of high river levels and DO requirements. This has been addressed before but we need to go back over the subject and get a plan in motion.**
- 11. Primary tank #1 has been taken down and the inlet line to the tank has been cleaned out with the Vactor truck. We now have a more substantial flow to the tank.**
- 12. The influent line to the Primary split chamber has been cleaned out with the Vactor truck as we noted a flow loss to the primaries during high flow events. We will not be able to judge the work that was done until we have another event.**



Tazewell / Pekin Consolidated Communications Center
1130 Koch St. Pekin, IL 61554 • Office (309) 478-5410 Fax (309) 477-2302

TPCCC MONTHLY STATISTICAL REPORT

Month JANUARY 2006

Number of phone calls received 22548

Number of 9-1-1 Calls 1516

Number of calls dispatched (all agencies) 4418

*= Included in total # of calls received

Additional Comments:

Steven F. Thompson, ENP
Director

City of Pekin

Police Department

PEKIN POLICE DEPARTMENT END OF MONTH REPORT FOR JANUARY 2006

Traffic Tickets	406
Warning Tickets	463
Offenses	343
Arrests	230
Parking tickets	951
STOPS	925

Break down of Parking Tickets

Abandoned Vehicle	4
Fire Lane	1
No Parking Light	647
Handicapped	13
Improper Parking	24
Restricted Parking	251
No Parking Zone	10
Fire Hydrant	0
Abandoned traffic haz	0
Bus Zone	0
Meter violation	1
TOTAL	951

Pekin Police Department



Partners With the Community

2005 Year End Report



BELIEF STATEMENTS

We believe the department should strive to be progressive, receptive and innovative in the performance of our duties.

We believe an open exchange of information and ideas benefits both the department and the community.

We believe that the life, human rights and property of all citizens must be protected.

We believe that a proactive partnership with the community is essential in providing a safe environment for all citizens.

We believe that all people must be treated fairly, impartially, and with respect and dignity.

We believe that the department must effectively and efficiently use its manpower and resources.

We believe that each officer must be committed to the community and the City of Pekin must be committed to its officers.

We believe the City of Pekin and each member of the department must support the mission to be accomplished.

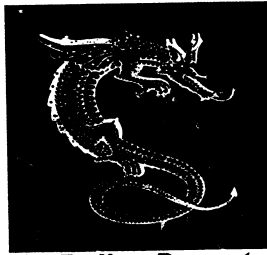
We believe that officers must strive to earn the public's trust by the manner in which they conduct themselves.

We believe officers must be fully trained and equipped on an on going basis to best serve the community.

PEKIN POLICE DEPARTMENT ANNUAL REPORT 2005

Table of Contents

Chief's Letter		
Organizational Chart		
Police Department Division Functions	**	
* Administration		
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* Patrol		
* Investigations		
* Auxiliary		
* Explorers		
* Crime Prevention		
* D.A.R.E.		
* Citizens Police Academy		
Offenses and Service Data	2001	2005
Offenses Reported to Police	2001 -	2005
Criminal Arrests	2001 -	2005
Traffic Arrests	2001 -	2005
Warning Tickets	2001 -	2005
Special Services (Criminal Investigations)	2001 -	2005
Juvenile Unit	2001 -	2005
Parking Enforcement	2001 -	2005
Income (Fines & Other)	2001 -	2005
Accidents Reported to Police		2005
K-9 Unit		2005
Task Force		2005
Crime Prevention	**	2005
D.A.R.E.	**	2005
Police Training		2005
Auxiliary Police		2005
Explorer Post		2005
Citizens on Patrol (C.O.P.)		2005
** new this year		



Pekin Police Department

Chief's Summary

In 2005 the cumulative effects of the past three years of enforcement of methamphetamine activity has shown amazing results. Manufacturing, possession of precursors and possession of a controlled substance has dropped almost **100 %**. "Meth" labs have been reduced to two in the city, a reduction of **95%**. Much of this success is contributed to the federal task force, Operation Rattlesnake.

Crime prevention continues to be priority of the police department. The goal is to educate Pekin citizens on ways to protect themselves from becoming victims of crimes. Five categories are used to achieve this goal: Children, family / homeowner, senior citizen, business, Crime Stoppers.

Other community policing programs such as National Night out Against Crime (attended by approximate 1000 people), Shop with a Hero, (allowing sixty children to buy Christmas presents) Cops for Kids, Citizens on Patrol, Pekin Auxiliary Police Unit and Pekin Explorer Post (volunteers donated a total of **5,094 hours** of service to the Police Department) continue to be a yearly function of the police department.

The Pekin Police Foundation, Inc. was founded to provide resources and programs that help the Pekin Police Department perform at their highest level of service to support and enhance our community. A radar trailer, McGruff costume and portable generator have been donated to the Police Department through the foundation.

Collective bargaining between the City and Fraternal Order of Police was resolved through arbitration and a contract was achieved. Through labor/management meetings between the City Manager/Police Administrators and FOP executive committee, a two year extension of that contract was agreed upon. The current labor contract is effective until the year 2009. Relations between the police union and City/Police administrators continue to improve.

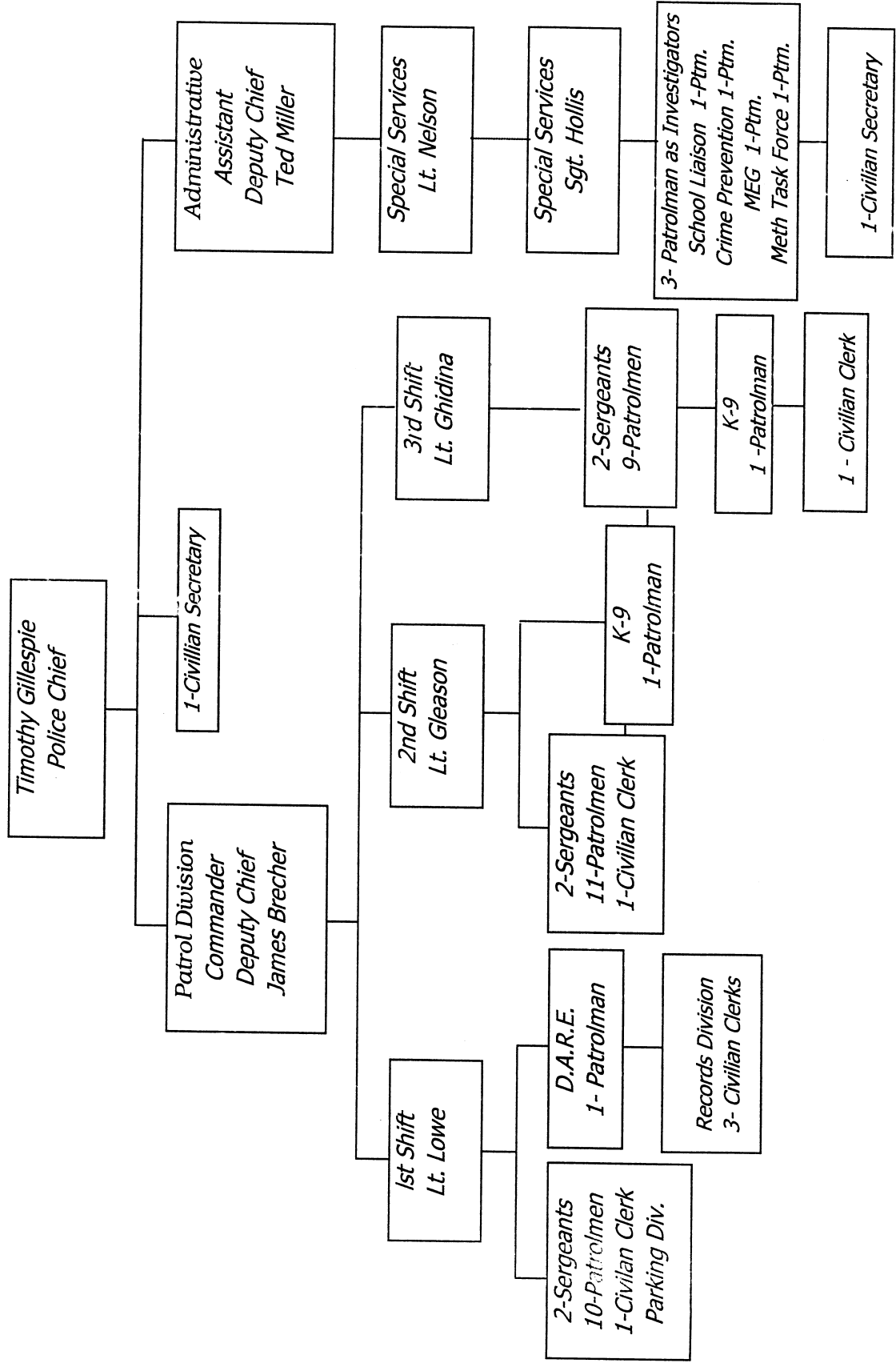
Calls for service in 2005 rose slightly to **21,126**. Offenses reported in 2005 remained almost the same as 2004 with a total of **5,772**. Violent crimes in Pekin continue to decrease. Criminal arrests decreased slightly. Traffic arrests rose to **4,550** and traffic accidents increased **19%**.

I hereby submit the 2005 annual report for the Pekin Police Department.

Timothy M. Gillespie, Chief of Police



Pekin Police Department



Police Department Division Functions
2005

Pekin Police Department, Administrative Division

Chief of Police

This position is responsible for planning and directing the operations of the Pekin Police Department including Patrol, Criminal Investigations, development, and direction of all programs and policies. Administrative duties include budget development and administration, policy development, and personnel administration. The incumbent represents the Department in working with other legal authorities, governmental agencies, and the media. Work is performed under the direction of the City Manager.

Deputy Chief of Police

The Deputy Chief, under the direction of the Chief of Police, administers and coordinates the support services or operations divisions of the police Department. Responsibilities include strategic policy and problem solving as well as operational aspects of assigned area. The Deputy Chief assumes the duties of the Chief of Police in his / her absence. The Deputy Chief exercises supervision over a staff of commissioned officers profession and administrative personnel.

Lieutenant

The rank of Lieutenant is a responsible administrative position involving management work commanding an assigned staff of subordinates in performing technical police work of complexity. The Lieutenant's position may involve fieldwork supervision, administrative staff work, or investigative work. The work requires the use of good judgment, specialized knowledge, and skills in interpreting orders. This position provides leadership to subordinates and determines the effectiveness of police techniques used, while also acting on behalf of the Chief of Police when instructed to do so. The lieutenant works under the direction of the Deputy chief of Police and the Chief of Police to implement goals and objectives designed to ensure the protection of life, human rights, and property of the citizenry.

Pekin Police Department, Records Division

The Pekin Police Department, Records Division handles storage, both hard and electronic, of all police reports, records and documents.

The Records Division is responsible for:

- * Maintaining the confidentiality and integrity of reports, arrest and criminal history information.
- * Handling requests for dissemination of information for:
 - * Pekin Police Department
 - * Other Agencies
 - * The Public -- while maintaining compliance with all department, state and federal laws and guidelines and confidentiality laws.
- * Handling all "sex offender" registrations and public notification of sex offenders.
- * Providing the Pekin Police Department, city and state with statistics about criminal and traffic related police incidents.

Patrol Division

The Patrol Division operates twenty-four hours each day, three-hundred and sixty-five days each year. It is the "visible" component of the Pekin Police Department and the most readily available to the public. The responses and attitudes of the uniformed officers of the Patrol Division defines the image of the entire Pekin Police Department. The D.A.R.E. unit, K-9. and the Police Auxiliary are assigned to Patrol Division.

This is the largest of the components of the Pekin Police Department. Its responsibilities include:

- * Crime detection
- * Crime prevention
- * Enforcement of criminal and traffic laws of the State of Illinois and the ordinances of the City of Pekin
- * Traffic controls (vehicular and pedestrian)
- * Responses to citizen calls for assistance
- * Medical assistance as first responders
- * Accident investigations
- * Public relations
- * Documentation of police involvement (report writing)

Pekin Police Department, Special Services Division

The special Services Division consists of several functioning units: Investigations, Narcotics Investigations, Juvenile, Crime Prevention and the High School Liaison. There are a total of ten officers and one civilian assigned to the Special Services Division.

Investigations

The largest component of the division is the Investigations Units. Detectives in the unit bring to bear specialized skills and techniques on cases that are in need of resolution. Working closely with prosecutors, other agencies, victims and witnesses, detectives are often seen as "ambassadors" for the Pekin Police Department.

Detectives work on both criminal cases and non-criminal cases. Criminal cases are incidents where violations of laws and / or ordinances have occurred. Non-criminal cases include such things as death investigations (e.g. suicides, accidents, etc.) and missing persons cases. The purpose of these investigations is to not only ensure that criminal acts did not occur but also to gain the necessary understanding of the incident for families and other concerned parties.

Detectives are also tasked with using their resources to do background checks for a wide variety of functions including liquor license applicants and applicants for peddler's licenses.

All of the Detectives for the Pekin Police Department received specialized training in interview and interrogation, death investigation, crime scene technology, crime scene photography, evidence collection and a variety of other specialized areas. Detectives are available 24 hours a day, seven days a week for instances when their resources are needed immediately.

Detectives must also maintain a close working relationship with prosecutors at the State's Attorney Office, probation and parole officers, caseworkers with Department of Children and Family services, and with detectives of other area police departments to address these issues.

Juvenile

The purpose of the juvenile function is to handle matters involving the welfare of minors under the age of 18 and to oversee the handling of minors under the age of 17 that have violated the law. A sergeant in the investigations unit oversees the juvenile function, but all officers in the department carry out its duties. Both patrol officers and detectives deal with juvenile matters on a regular basis. There are a number of specialized functions carried out with regard to juveniles. A separate, but complete, set of files must be maintained for juvenile offenders. Juvenile Officers also perform "station adjustments" when dealing with juveniles. Station adjustments are actions taken by juvenile police officers that attempt to correct their behavior without going to court. A station adjustment can include a wide variety of conditions to be determined by the juvenile officer. They are generally used for first offenders or less serious violations. The overall rationale is to intervene with juveniles when they first get into trouble and try to correct their behavior without introducing them to the court system. Repeat offenders and juveniles that commit serious offenses are sent to court.

Narcotics Investigations

The Pekin Police Department is committed to fighting illegal narcotics in our community. Not only do we

participate in the Metropolitan Enforcement Group (MEG) but we also have resources specifically directed at those who manufacture, sell and use methamphetamine. The MEG unit is comprised of local and state officers who work in an undercover capacity to investigate all types of drug activity in Tazewell, Peoria, Knox and Stark counties. Operation Rattlesnake is a federal task force that was created to tackle the growing problem of methamphetamine in our community. It is comprised of local, state and federal agents who investigate methamphetamine conspiracies and prepare those cases for federal prosecution.

High School Liaison

Through a cooperative agreement with District 303, the Pekin Police Department maintains an officer at the Pekin Community High School. This officer is responsible for maintaining a safe learning environment, creating a rapport between the students and the Police Department, interacting with the faculty and staff on student matters and counseling students on police related matters. In maintaining a safe and productive learning environment, students who are disruptive or involved in criminal activity face school penalties and / or arrest for their actions. The High School Liaison officer deals with about 4% of the student population, which, if left unchecked, could disrupt the learning opportunity for the other 96% of the students.

Pekin Police K-9

The Pekin Police K-9 Unit was formed in 1993 to meet several objectives. These objectives are as follows:

- * The protection and preservation of human life.
- * To assist in the apprehension of criminal offenders.
- * To search for evidence of drugs as required.
- * To conduct building searches.
- * To track or search for criminal offenders, lost or injured persons.
- * To promote public relations.

K-9 Aslan

K9 Aslan is a German Shepherd that was born in Germany on August 27, 2001. He was teamed up with Officer Jeff Stolz in March 2004, after K9 Jovi was retired. K9 Aslan and Officer Stolz are certified through the North American police Work Dog Association in:

- * Obedience
- * Area Search
- * Tracking
- * Building Search
- * Narcotics
- * ..and Aggression Control

Jeff and Aslan are available to provide demonstrations to civic organizations.

K-9 Bow

In June 2001, K9 Bow was donated to the Pekin Police Department. Officer Chad Hazelwood was assigned as his partner. Officer Hazelwood and Bow will focus mainly on the area of drug detection.

The Pekin Police Department is very fortunate to have two dedicated officers in Jeff Stolz and Chad Hazelwood as it's K-9 Officers.

Pekin Police Department, Auxiliary Division

The Pekin Auxiliary Police are a group of non-paid volunteers who are committed to serving their community. As a member of the Auxiliary Police, these officers are required to spend time each month riding in uniform with a sworn patrol officer, and required to assist in other community functions such as parades, festivals, and major holidays requiring extra man power. (i.e. 4th of July fireworks and Marigold parade).

The Police Auxiliary Unit is a valuable resource to the City of Pekin through its assistance in parades, community functions and most importantly as assistance to the Pekin Police Department during normal shift operations.

Pekin Police, Explorer Post #400

"America's hope for the future lies in the youth of today."

This philosophy led to Boy Scouts of America to develop its Explorer Division for career-oriented young adults aged 14 through 20. Members are referred to as "Explorer" and, while the program is part of the BSA, the Explorer program is *distinctively* different from scouting. Explorer is a co-educational, young-adult program developed and supervised by local community organizations, businesses and individuals providing an opportunity for young adults to explore a particular career field.

Qualifications:

- * Be between the ages of 14-21 years (14 years old is acceptable only if you have graduated from eighth grade)
- * Have a good moral character
- * Remain in school while in the program or until graduation
- * Maintain a C average (70%) or higher
- * Not have a serious police record
- * Take and pass a written exam
- * Be able to attend weekly Explorer meetings
- * Be willing to volunteer your time to attend Explorer functions
- * Be willing to commit to the Explorer Code and exemplify the professional image of the Pekin Police Department.

Any male or female young adult who meets these requirements may apply.

Pekin Police Department, Crime Prevention Office

Crime Prevention

The Crime Prevention Office, under the Command of the Special Services Division, has the responsibility to educate the citizens of Pekin on ways to protect themselves from being a victim of crime. This office also monitors, from police reports, trends in crime versus location, in order to assist Patrol and Investigation in curbing those activities.

To help assure the unit reaches as many of the citizens as possible, the following categories are used:

- * Children
- * Family / Homeowner
- * Senior Citizen
- * Business
- * Crime Stoppers

Following is a list of the programs offered for each category:

Children: Puppet programs at schools, bicycle safety, drug programs, and D.A.R.E.

Puppet Programs: This program was developed to grasp the attention of the younger children, preschool to 3rd grade. This program uses different puppets, including Officer Ollie; Talk About Stranger Danger What To Do In An Emergency; Bicycle Safety; Shoplifting; Substance Abuse, and other topics.

Bicycle Safety: Bicycle rodeos are held each year just before students begin their summer vacation. The rodeos are held in Pekin Park and are a cooperative effort between the Pekin Police Department and the Pekin Park Police. This program is to help reduce bicycle / car accidents in the City of Pekin. Education and riding skills are emphasized during the month of May.

Family / Homeowner: Neighborhood Watch and security checks.

Neighborhood Watch: This program is useful in holding down residential burglaries. The neighbors are brought together to get to know each other, to teach them how to make their homes secure, and to report any suspicious activities. There are several Watch Groups in Pekin, consisting of a growing number of members.

Security Surveys: Security surveys are used to go through a home or business to point out places of probable entry and how to make it secure, including locks, lighting, alarms, landscaping and routine habits. Each business is asked to furnish the police department with an active call-out list so the business owner or manager can be contacted after hours.

Senior Citizens: News articles, Speakers Bureau and National Night Out Against Crime.

Speakers Bureau: Several times each month, organizations call requesting department officers to speak on different subjects of interest to them. School organizations request child safety / abuse talks, women's clubs request wife abuse / self defense, schools request drug / vandalism talks and businesses want shoplifting / robbery / bad check talks. These talks give the police perspective, how it happens, and what to do to prevent the crime.

Business: Crime prevention checks, alarm problems, shoplifting seminars, security checks, robbery and extortion seminars.

Crime Prevention Checks: This program has been in existence since the Crime Prevention Unit was started. Patrol units, on their routine inspection of local businesses, leaves suggestions on improving security. These suggestions are followed up by the Crime Prevention Officer.

Bank Alarm: This program was developed to eliminate risk to the teller, customer and the patrol officer from being injured in an actual bank robbery. It requires contacting banks to maintain updating lists and training.

False / Unfounded Alarms: The Crime Prevention Office makes a report to the Chief of Police of all alarms received by the police department. This program was created in December 1992 and is designed to reduce the number of false / unfounded alarms. The C.A. D. system stores information on all alarms received by the police department. If a business or homeowner reports an excessive number of alarms steps are taken to reduce the number of alarms reported. Burglary, hold-up and trouble alarms are recorded under this program.

National Night Out Against Crime (NNOAC):

Pekin's night out against crime is held annually on the first Tuesday of each August in connection with many other communities across the nation. Those who attend the "Night Out" enjoy free food & soda, live music, fun activities and they also receive information and gifts from approximately 30 local service organizations. The purpose of Pekin's NNOAC is to:

- * Heighten crime & drug awareness
 - * Generate support for & participation in local service agencies and programs.
 - * ..and strengthen neighborhood spirit & police community partnership
-

Crime Stoppers: Pekin Police Department is part of the Greater Peoria Area Crime Stoppers Program. Callers remain anonymous and can give information to either the Peoria or Pekin number. Felony crime re-enactments are put on radio and television and people are given cash rewards if information they provide leads to an arrest or indictment. Crime of the Week is a major or felony crime with few leads that is re-enacted on television hoping someone will come forward with information that may solve the crime. In addition to being the most cost effective, anti-crime tool in existence, the program doesn't cost the taxpayer. All of the rewards paid to tipsters are donated from businesses, service clubs and concerned citizens. The Pekin program belongs to Crime Stoppers International and the Illinois State Crime Stopper Association. The Greater Peoria Crime Stoppers has two numbers:

- * Peoria Area: (309-673-9000)
- * Pekin Area: (309-347-9000)

Pekin Community High School has a Crime Stopper Program that started in 1993 and is a model for the entire State of Illinois.

Pekin Police Department, D.A.R.E. Division

D.A.R.E stands for Drug Abuse Resistance Education. It is a cooperative program between local law enforcement agencies, the schools, parents, and the community aimed at providing students with the skills needed to be able to avoid drugs and violence as well as informing them of character traits needed to become good citizens of their communities.

D.A.R.E. started in Los Angeles, California in 1983 when the Police Department and the Los Angeles Unified School District combined efforts to provide a program for 5th and 6th graders to teach resistance skills. Starting with 10 officers, the program has grown to all 50 states and 54 foreign countries and U.S. territories. Over 80% of school districts in the United States and the rest of the world currently have the D.A.R.E. Program. There are over 50,000 certified D.A.R.E. Officers in the United States alone.

D.A.R.E. began in Pekin in 1987. D.A.R.E. currently serves 6th graders at two public schools, Wilson and Washington, as well as two private schools, St. Joseph and Good Shepherd. The D.A.R.E. Jr. High Curriculum is also taught at St. Joseph and Good Shepherd schools. We teach over 500 students how to resist the temptations of taking drugs and participating in acts of violence.

In addition to teaching the D.A.R.E. Program core curriculum to 6th and 8th graders, the D.A.R.E. Officer teaches Stranger Danger to kindergarten through 3rd grade students as well as day care children. The D.A.R.E. Officer is also available to speak at various organization meetings.

Pekin Police Department, Citizens Police Academy

Community Policing is an important and vital aspect of crime prevention / control in any community. It is through community cooperation and planning that we can best ensure quality police services and an organized and effective crime prevention effort. The Citizen's Police Academy is yet another mechanism for local police departments to inform the public of what they do, and to obtain citizen input, assistance, and support throughout their community. The Citizen's Police Academy will enable the residents of the City of Pekin to become more actively involved (on a personal note) with "their" police department.

The goals of the Citizens' Academy are simple:

- * to help local residents better understand police work in their community and with our police agency in an effort to better address crime and police issues in the City of Pekin.
- * To implement these residents on a volunteer basis, working with the Pekin Police Department to further enhance the services which it presently provides.

Citizens on Patrol

The volunteer program is a natural evolution of the Citizen Police Academy and a significant step forward with our Community Policing goals. It is an attempt to get members of our Community involved with the Police Department, not only as observers, but also as productive members of the team.

City volunteers would perform a wide variety of tasks, including those listed below:

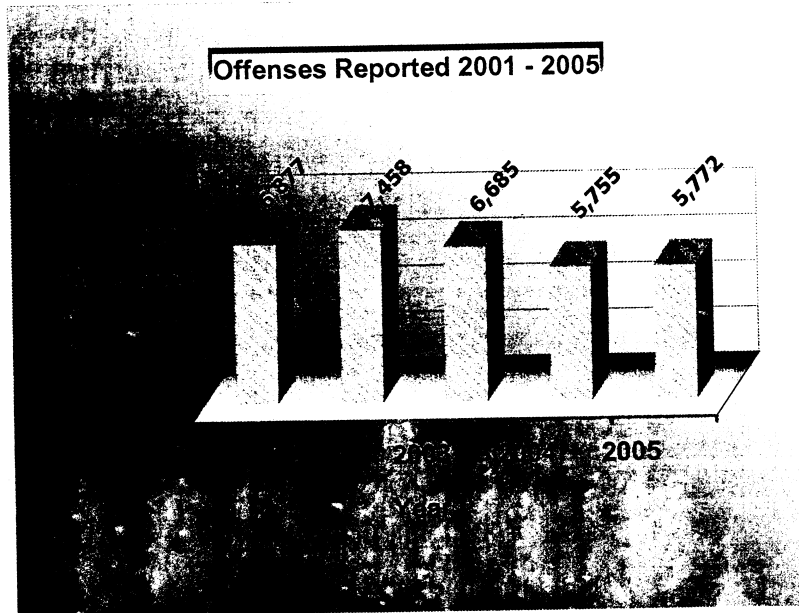
- * Driving squad cars to and from vehicle maintenance appointments.
- * Clerical - filing, copy, scanning, etc.
- * Stationary Patrol - Sitting at intersections in a marked squad car for visual police presence, including sitting at schools.
- * Handicapped parking patrol.
- * Running general errands.
- * Removal of signs posted on public property.
- * Special events / traffic control.

Note: Anytime a Citizen Volunteer is in a marked police car, the car will be labeled clearly as "Citizen Patrol". The volunteer will never taken any enforcement action, but will be able to contact an on duty police officer if they see anything that requires immediate attention.

Offenses / Service Data
2005

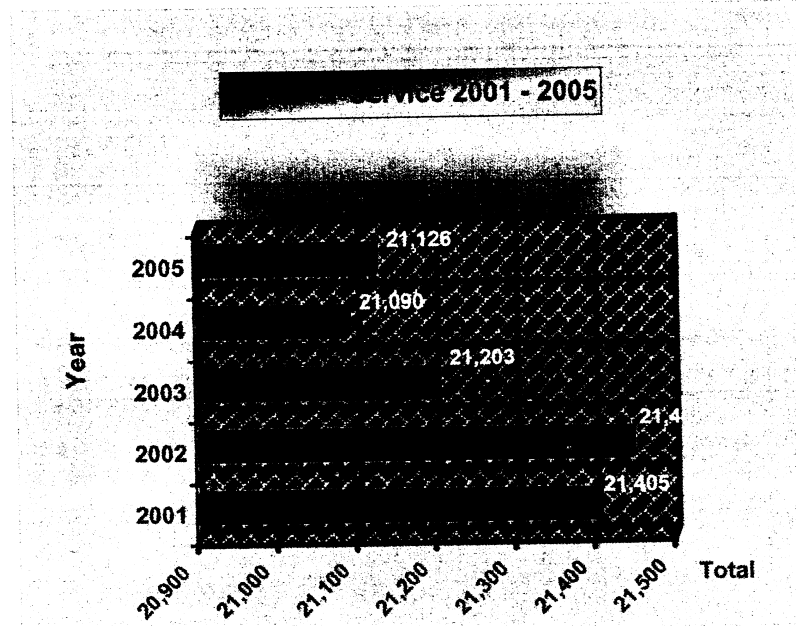
Offenses Reported 2001 - 2005				
2001	2002	2003	2004	2005

6,877	7,458	6,685	5,755	5,772
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Calls for Service 2001-2005				
2001	2002	2003	2004	2005

21,405	21,447	21,203	21,090	21,126
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Offenses
2005

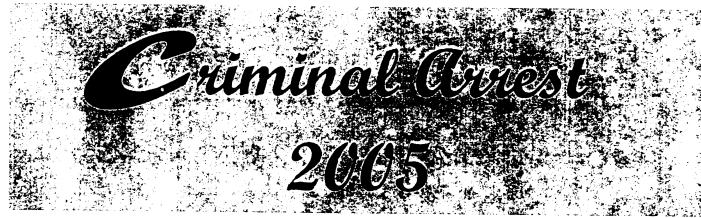
Offenses for 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
Abandoned Vehicle Private Property	26	14	18	10	12	80
Abandoned Vehicle Public Property	50	42	40	31	15	178
After Hours in Bar	0	0	2	0	0	2
Aggravated Arson	0	1	2	5	1	9
Aggravated Assault	46	43	42	33	45	209
Aggravated Assault on Police	6	1	7	6	5	25
Aggravated Assault School Personnel	4	2	2	0	1	9
Aggravated Battery	50	77	70	54	52	303
Aggravated Battery of a Child	0	1	1	2	1	5
Aggravated Battery On Fire Fighter	0	1	1	1	0	3
Aggravated Battery On Police	11	9	17	11	17	65
Aggravated Battery School Personnel	3	4	1	6	5	19
Aggravated Battery Senior Citizen	4	1	3	1	2	11
Aggravated Criminal Sexual Abuse	28	17	29	16	13	103
Aggravated Criminal Sexual Assault	7	6	8	10	7	38
Aggravated Discharge of Firearm	1	0	0	1	0	2
Aggravated Domestic Battery	0	0	0	0	1	1
Aggravated Kidnapping	0	0	1	0	0	1
Aggravated Robbery	1	1	1	0	0	3
Aggravated Vehicular Hijacking	0	0	1	0	0	1
Air Rifles	1	0	3	0	1	5
All Other Sex Offenses	2	6	3	2	3	16
Animal Abandonment / Cruel Treatment	0	1	0	1	1	3
Animal Bite	9	3	2	3	0	17
Armed Robbery	4	8	4	8	3	27
Armed Violence	0	1	5	1	0	7
Arson	7	7	7	4	16	41
Assault	39	40	22	34	35	170
Attempted Suicide	52	54	50	51	54	261
AWOL	1	0	0	1	0	2
BAC Alcohol	37	34	17	36	41	165
Barking Dog	8	6	1	2	2	19
Battery	290	287	226	267	268	1338
Battery to Unborn Child	1	0	0	0	0	1
Bicycle Accident	0	0	0	1	0	1
Bigamy	0	0	0	1	0	1
Bomb Threat	1	0	0	0	2	3
Borrowed Not Returned	5	4	4	3	3	19
Bribery	0	0	1	0	0	1
Burglary	65	71	42	52	50	280
Burglary From Motor Vehicle	270	281	136	136	195	1018
Burglary MV Parts/Accessories	6	9	1	3	1	20
Business Burglary	101	39	39	36	34	249
Cannabis Plant	1	6	3	1	1	12
Casual Delivery	0	3	1	2	0	6
Child Abandonment	2	1	5	0	0	8
Child Abduction	7	7	3	2	5	24
Child Abuse	12	8	19	15	15	69
Child Pornography	1	2	2	3	1	9
City Ordinance Violations	0	0	0	0	1	1
Communicating with Jurors / Witness	2	0	0	0	0	2
Computer Fraud	1	3	1	3	4	12
Computer Tampering	1	1	1	1	0	4
Concealing or Aiding a Fugitive	0	1	0	1	1	3
Consumer Fraud	0	0	1	0	0	1
Consumption of Alcohol in Public	0	0	2	0	0	2
Contempt of Court	17	3	15	12	2	49
Contraband in Prison	0	0	0	0	0	0
Contributing to Delinquency of a Minor	11	7	9	15	7	49
Counterfeit Bills	0	1	1	28	5	35
Credit / ATM Card Fraud	40	28	26		25	119
Criminal Damage to Fire Equipment	0	0	0	1	1	2
Criminal Damage to Property	640	711	604	507	515	2977

Offenses for 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
Criminal Damage to State Supported Property	6	10	13	9	6	44
Criminal Defacement	2	7	3	3	0	15
Criminal Drug Conspiracy	3	2	1	0	1	7
Criminal Sexual Abuse	25	24	19	16	15	99
Criminal Sexual Assault	17	27	22	19	14	99
Criminal Trespass to Airport	0	1	0	0	0	1
Criminal Trespass to Land	39	45	45	46	44	219
Criminal Trespass to Residence	49	65	52	41	37	244
Criminal Trespass to State Land	4	1	9	7	3	24
Criminal Trespass to Vehicle	16	28	23	16	13	96
Curfew	40	35	35	15	22	147
Dangerous / Noxious Dog	0	1	0	1	4	6
Deceptive Collection Practice	0	1	0	1	2	4
Deceptive Practice	48	53	55	44	58	258
Defacing ID Marks on Firearms	1	0	0	0	2	3
Delivery of Cannabis (30 Grams and Under)	3	4	3	5	2	17
Delivery of Cannabis (Over 30 Grams)	3	5	1	3	4	16
Delivery To Persons Under 18	1	2	3	1	0	7
Delivery/Possession w/ Intent to Delivery	5	7	5	6	9	32
Discharge Firearm in City Limits	0	0	0	4	0	4
Disobedience to Police	10	2	8	3	6	29
Disorderly Conduct	209	240	277	198	215	1139
Dog at Large	5	2	4	9	11	31
Dog No Rabies or Vaccination	0	0	0	1	0	1
Domestic Battery	378	384	359	290	385	1796
Drag Racing	3	0	1	10	0	14
DUI - Alcohol	105	111	128	94	100	538
DUI - Drugs	10	3	8	18	1	40
Driving While License Revoke / Suspended	0	0	0	122	121	243
Duty to Report	0	0	1	0	3	4
Eavesdropping	0	0	2	0	0	2
Embezzlement	0	1	0	0	0	1
Endanger Life/Health of a Child	6	22	12	11	5	56
Escape	0	3	1	0	1	5
Expectorant in Food	1	0	0	0	0	1
Extortion	0	1	0	0	0	1
Fail to Allow Inspection of Liquor Establishment	0	0	0	1	0	1
Fail to Give Aid	0	0	0	0	1	1
Fail to Register as Sex Offender	2	4	8	10	0	24
Fail to Report Accident	0	0	0	0	1	1
Failure to Keep Records	0	1	0	0	0	1
False 911 Call	1	0	0	0	0	1
False Auto Insurance	1	1	0	0	1	3
False Fire Alarm	0	0	0	1	0	1
False Personation Charitable Org. Collection	0	1	0	0	0	1
False Police Report	9	11	3	8	9	40
False Prescription	3	2	0	2	1	8
Fatal (PP)	2	0	0	0	0	2
Financial Exploitation Elderly/Disabled	3	3	8	10	2	26
Financial Identity theft	2	3	7	0	0	12
Fire	4	8	1	8	4	25
Firearms Accident	0	0	1	0	0	1
Fireworks	0	0	0	3	1	4
First Degree Murder	0	0	1	0	0	1
First Degree Murder (Attempt)	0	1	0	4	0	5
First Degree Murder (Solicitation)	0	0	0	0	0	0
Flee/Attempt Elude Police Officer	23	16	10	9	8	66
Forgery	85	67	76	64	39	331
Found Person	2	0	0	0	0	2
Found Property	45	29	31	15	23	143
Fraudulent Schemes/Artifices	0	0	1	0	0	1
Fraudulent use of ID	0	1	0	1	0	2
Gambling Device	0	1	0	0	1	2

Offenses for 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
Give Alcohol to a Minor	1	0	0	0	0	1
Harassment by Electronic Means	1	0	0	2	0	3
Harassment by Telephone	63	114	73	56	46	352
Harboring a Runaway	0	1	2	1	0	4
Harmful Material	0	1	2	0	1	4
Hate Crime	3	2	9	0	10	24
Hit & Run (PD)	33	27	40	28	20	148
Hit and Run (PI)	0	0	0	0	0	0
Home Accident	2	2	0	1	1	6
Home Repair Fraud	6	0	1	0	0	7
Home Invasion	17	10	22	9	10	68
Homicide (Drug Induced)	0	0	0	0	1	1
Hunting without License	0	0	0	1	0	1
Identity Theft	0	0	0	10	5	15
Illegal Consumption By a Minor	83	96	84	63	45	371
Illegal Dumping	0	0	1	0	0	1
Illegal Entry, Alien	1	0	0	3	0	4
Illegal Liquor Access	0	0	0	1	0	1
Illegal Possession By a Minor	19	22	16	6	3	66
Illegal Transportation of Alcoholic Liquor	34	31	39	21	32	157
Impersonation of Police Officer	0	0	1	3	2	6
Improper Use of Drivers License	0	0	0	1	1	2
Improper Use of Registration	11	7	9	9	7	43
Indecent Solicitation of Child	0	1	1	0	3	5
In-State Warrant	401	555	492	547	486	2481
Insurance Fraud	0	0	1	0	0	1
Interfere w/ Emergency Communications	18	12	10	7	19	66
Interfere w/ Judicial Procedure	2	1	3	0	1	7
Interfere w/ Reporting Domestic Battery	6	10	3	6	6	31
Intimidation	6	13	9	22	6	56
Intoxicating Compounds (Huffing)	1	1	0	1	0	3
Juvenile Pimping	0	0	0	1	0	1
Keeping a Gambling Place	0	0	0	0	1	1
Kidnapping	2	0	0	1	0	3
Kidnapping (attempt)	0	0	0	0	3	3
Liquor Establishment Open After Hours	0	0	0	1	1	2
Littering	3	4	2	3	3	15
Look-A-Like Controlled Substance	1	2	1	1	0	5
Lost Property	79	76	54	36	32	277
Loud Music	8	10	6	11	0	35
Manufacture & Delivery of Controlled Substance	15	43	31	23	20	132
Mental Case	25	30	18	9	5	87
Minor Requiring Authoritative Intervention	2	17	8	4	8	39
Misrepresentation Age By a Minor	0	0	0	1	0	1
Missing Person	21	31	9	24	13	98
Mob Action	7	18	9	10	7	51
Money Laundering	0	0	0	1	2	3
Motor Vehicle (PD)	0	2	6	0	1	9
Motor Vehicle (PI)	0	0	0	0	0	0
Motor Vehicle Anti-Theft Law	16	0	0	1	0	17
Motor Vehicle Theft	52	42	41	36	57	228
Motorist Assist	3	2	0	1	0	6
Murder (attempt)	0	0	0	0	1	1
Natural Causes (Death)	30	23	29	20	25	127
Neglect of A Child	35	33	17	15	45	145
No Drivers License	17	47	34	38	27	163
No F.O.I.D.	3	7	2	4	3	19
Noise	0	0	0	0	9	9
No Registration	3	10	22	10	4	49
Non-Collision/Off Roadway (PI)	0	1	1	0	0	2
Obscene Telephone Calls	9	4	1	3	4	21
Obscenity	2	3	1	0	1	7
Obstructing Justice	0	26	31	33	19	109

Offenses for 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
Occupational Accidents	2	0	0	0	0	2
OP MV w/ Suspended Registration	15	22	23	14	9	83
OP Uninsured MV	97	143	151	134	91	616
Other Accidents	0	0	2	0	0	2
Other Investigations	113	83	104	79	91	470
Other Trouble	96	82	67	35	51	331
Out-of-State Warrant	9	10	7	9	3	38
Parking Violations	26	35	56	32	11	160
Parole Violation	0	2	3	0	2	7
PD Non-Collision Acc./Ran off Roadway	0	0	0	0	1	1
Patronization Juvenile Prostitution	0	0	0	1	0	1
Pedestrian (PI)	0	3	0	0	0	3
Peeping Tom	3	1	1	2	2	9
Permit Underage Gathering	2	4	2	3	1	12
Permit Unlawful Use of Building	0	0	2	0	0	2
Perjury	0	0	0	0	0	0
Personal Injury (PP)	6	11	2	2	1	22
Possession Key for Coin Operated Machine	0	0	0	0	1	1
Possession of A Converted Vehicle	0	1	0	0	0	1
Possession of Alcohol in Public	0	3	1	0	0	4
Possession of Burglary Tools	1	2	3	1	2	9
Possession of Cannabis (30 Grams and Under)	112	155	118	99	87	571
Possession of Cannabis (Over 30 Grams)	2	7	5	4	3	21
Possession of Controlled Substance	48	95	53	48	37	281
Possession of Drug Equipment	174	228	91	103	108	704
Possession of Explosives/Incendiary Device	4	0	1	0	0	5
Possession of Fireworks	0	3	3	0	0	6
Possession of Hypodermic Needle	11	19	24	4	5	63
Possession of Precursors to Manufacture Meth.	9	8	8	0	0	25
Possession of Stolen Property	28	50	26	20	11	135
Possession of Tobacco	22	23	16	7	7	75
Predatory Criminal Sexual Assault	9	4	8	10	4	35
Probation Violation	5	11	3	3	3	25
Property Damage (PP)	0	6	2	3	2	13
Prostitution	0	0	0	0	2	2
Prowler	0	1	0	0	0	1
Public Accidents	10	5	5	4	2	26
Public Indecency	3	3	5	4	0	15
Public Service / Safety Hazard	0	0	0	1	0	1
Purse Snatching	2	1	0	0	0	3
Reckless Conduct	17	22	15	8	2	64
Reckless Discharge of Firearm	1	1	3	0	0	5
Reckless Driving	15	25	28	27	15	110
Recovered Property Only	0	1	0	0	0	1
Refusing to Aid an Officer	16	3	0	2	2	23
Registration Suspended/Revoked	21	14	27	10	10	82
Residential Burglary	124	130	120	81	82	537
Resist, Obstruct, Disarm Officer	58	77	89	59	78	361
Retail Theft (\$150 and Under)	80	46	69	60	45	300
Retail Theft (Over \$150)	14	21	8	18	23	84
Robbery	6	7	2	5	4	24
Runaway	146	196	163	99	119	723
Sale of Liquor to a Minor	0	2	3	0	8	13
Sale Tobacco Products to Minors	6	4	4	5	0	19
Sale/Delivery Drug Paraphernalia	10	2	3	4	3	22
Seatbelts	19	6	16	24	18	83
Services to Other Agencies	46	54	48	45	39	232
Sex Offender Loitering	0	0	2	0	0	2
Sex Offender Registration	88	81	97	104	136	506
Sexual Exploitation of a Child	0	0	3	0	3	6
Sexual Relations Within Families	0	1	0	0	0	1
Skateboarding	0	0	0	1	0	1
Sick Cared For	29	17	15	14	7	82

Offenses for 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
Solicitation of a Sexual Act	0	2	0	0	3	5
Solicit Juvenile for Prostitution	0	1	0	0	0	1
Stalking	7	9	7	6	2	31
State Benefit Fraud	0	0	2	0	0	2
Street In Need Of Repair	1	1	0	0	0	2
Suicide	4	6	7	3	1	21
Suspended/Revoked Drivers License	101	122	107	123	111	564
Suspicious Circumstances (Death)	4	7	3	6	8	28
Suspicious Person/Auto	6	4	3	1	0	14
Tamper With Food / Drugs / Cosmetics	0	2	0	0	1	3
Tamper With Mail	0	1	1	0	2	4
Tampering With Anhydrous Ammonia	0	3	0	0	0	3
Tattooing a Minor	0	1	0	0	1	2
Telephone Threat	45	44	47	30	32	198
Theft (\$300 and Under)	448	439	397	284	241	1809
Theft (Over \$300)	219	171	181	191	125	887
Theft From Coin Operated Machine/Device	4	9	3	12	28	56
Theft From Motor Vehicle (\$300 and Under)	8	7	12	3	25	55
Theft From Motor Vehicle (Over \$300)	6	4	10	6	5	31
Theft of Labor Services	36	29	25	13	21	124
Theft Lost Property	2	0	2	0	1	5
Theft of Motor Vehicle Parts or Accessories	23	17	3	5	6	54
Theft of Wireless Services	0	0	0	1	0	1
Throwing Missiles	1	0	1	0	1	3
Traffic (Illinois Vehicle Code)	146	182	211	191	152	882
Transporting Anhydrous Ammonia	0	3	4	1	0	8
Truancy	23	12	15	3	42	95
Underage in Liquor Establishment	0	0	0	1	0	1
Unauthorized Videotaping	0	0	1	0	0	1
Unlawful Possession Weapon by A Felon	3	4	2	2	1	12
Unlawful Restraint	14	11	7	13	12	57
Unlawful Sale Weapons	0	0	0	0	0	0
Unlawful Storage of Weapons	1	2	1	0	0	4
Unlawful Use Drivers License	3	2	1	0	0	6
Unlawful Use of Weapons	8	22	9	12	10	61
Unlawful Visitation Interference	32	45	50	38	31	196
Vehicular Invasion	1	3	1	3	0	8
Violate Sex Offender Act	0	0	0	0	2	2
Violation Bail Bond	1	0	3	0	1	5
Violation Order of Protection	143	136	132	98	133	642
Violation of Sex Offender Registration Act	0	0	0	10	3	13
TOTAL	6878	7458	6635	5878	5772	32621
* These statistics are included in the Traffic Accident section						
** These statistics are included in the Traffic Ticket Statistics						



Criminal Arrest 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
Acquisition of Controlled Substance	0	0	0	0	0	0
Aggravated Arson	0	0	0	2	2	0
Aggravated Assault	19	24	23	31	24	121
Aggravated Assault on Police Officer	5	1	6	4	5	21
Aggravated Assault on School Personnel	1	1	1	1	4	8
Aggravated Assault With Firearm	0	0	0	0	0	0
Aggravated Battery	57	43	50	39	37	226
Aggravated Battery on EMT	0	0	0	0	0	0
Aggravated Battery on Fireman	0	0	1	1	0	2
Aggravated Battery on Police Officer	10	9	14	11	14	58
Aggravated Battery on School Personnel	3	5	2	4	5	19
Aggravated Battery on Senior Citizen	0	0	0	0	2	2
Aggravated Battery to Child	0	0	0	1	1	2
Aggravated Criminal Sexual Abuse	13	9	12	8	4	46
Aggravated Criminal Sexual Assault	6	1	3	5	0	15
Aggravated Discharge of Weapon	0	0	0	1	2	3
Aggravated Domestic Battery	0	3	1	0	2	6
Aggravated Fleeing	0	0	0	1	1	2
Aggravated Intimidation	0	0	0	0	0	0
Aggravated Kidnapping	0	0	0	0	0	0
Aggravated Robbery	1	1	0	0	0	2
Aggravated Unlawful Restraint	0	0	0	0	0	0
Aggravated Unlawful Use of Weapons	0	0	1	0	1	2
Air Rifle	1	0	3	2	0	6
Allow Dog to Run At Large	0	6	0	0	0	6
Allow Minor In Liquor Establishment	0	0	0	0	0	0
Animal Neglect	0	0	0	0	0	0
Anhydrous Ammonia	1	9	13	1	1	25
Armed Robbery	4	3	2	2	2	13
Armed Violence	1	1	1	0	0	3
Arson	0	1	6	2	8	17
Assault	13	10	10	16	14	63
ATM Fraud	15	8	6	5	8	42
Attempted Acquisition of Controlled Substance	0	0	0	0	0	0
Attempted Aggravated Arson	0	0	0	0	0	0
Attempted Aggravated Robbery	0	0	0	0	0	0
Attempted Burglary	1	2	0	0	1	4
Attempted Criminal Damage to Property	0	0	0	0	0	0
Attempted Escape	0	1	0	0	0	1
Attempted Motor Vehicle Burglary	0	0	0	0	0	0
Attempted Murder	0	0	1	3	1	5
Attempted Possession of Controlled Substance	0	0	0	0	0	0
Attempted Residential Burglary	0	0	0	0	0	0
Attempted Robbery	0	0	0	0	0	0
Attempted Suicide	0	1	0	0	0	1
AWOL	0	0	0	1	0	1
Barking Dog	9	4	0	0	0	13
Battery	122	125	92	128	124	591
Bomb Threat	0	0	0	0	2	2
Bribery	0	0	0	0	0	0
Burglary	47	30	20	31	24	152
Burglary From Motor Vehicle	39	61	34	27	27	188
Burglary From Water Craft	0	0	0	0	0	0
Business Burglary	25	12	15	16	16	84
Cannabis Plant	0	3	2	1	0	6
Child Abandonment	0	0	1	1	0	2
Child Abduction	0	1	1	0	1	3

Criminal Arrest 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
Child Abuse	1	0	0	0	0	1
Child Pornography	0	0	1	1	0	2
City Ordinance Violations	0	0	0	0	0	0
Communicating with a Witness	0	3	1	0	0	4
Computer Fraud	0	0	0	0	0	0
Computer Tampering	0	1	0	0	0	1
Concealing or Aiding a Fugitive	0	0	1	0	0	1
Conspiracy	0	0	3	0	0	3
Conspiracy to Burglary	2	0	0	0	0	2
Consumption of Alcohol Bv A Minor	192	222	205	128	109	856
Consumption of Alcohol In Public	0	2	0	0	0	2
Contraband in Prison	0	0	0	0	0	0
Contempt of Court	0	0	1	1	0	2
Contributing To The Delinquency of A Minor	8	4	4	12	1	29
Credit Card Fraud	6	9	3	2	0	20
Criminal Damage to Motor Vehicle	0	4	0	5	0	9
Criminal Damage to Property	110	111	133	119	132	605
Criminal Damage to State Supported Property	3	6	17	8	3	37
Criminal Defacement	1	8	0	0	0	9
Criminal Drug Conspiracy	0	1	0	0	0	1
Criminal Sexual Abuse	6	6	4	2	5	23
Criminal Sexual Assault	2	3	5	4	4	18
Criminal Trespass to Motor Vehicle	5	16	12	7	11	51
Criminal Trespass to Real Property	31	43	47	58	56	235
Criminal Trespass to Residence	22	23	32	26	16	119
Criminal Trespass to State Land	2	1	1	13	5	22
Cruel Treatment to Animals	0	0	0	0	1	1
Curfew	71	69	91	73	40	344
Dangerous Fires	0	0	0	0	0	0
Deceptive Practice	17	4	12	9	10	52
Defacing ID Marks on Firearm	0	0	0	0	2	2
Deliver Alcohol to Minor	0	1	1	0	4	6
Deliver Tobacco to Minor	0	0	0	0	0	0
Delivery of Cannabis	1	6	2	4	1	14
Delivery of Cannabis to Under 18	0	2	0	0	0	2
Delivery of Controlled Substance	1	3	1	2	1	8
Delivery of Look Alike Substance	0	0	0	0	0	0
Discharge Firearm In City	0	0	0	1	0	1
Disobedience To A Police Officer	15	10	10	7	7	49
Disorderly Conduct	122	136	171	158	138	725
Dog Bite	1	0	0	1	0	2
Dog Complaint	0	0	7	11	15	33
Domestic Battery	175	164	139	133	141	752
Domestic Battery Addendum	0	0	0	0	0	0
Driving While License Suspended	0	0	0	2	0	2
Duty to Report	0	0	0	0	3	3
Endangering The Life/Health of A Child	4	14	4	3	2	27
Escape	0	2	1	0	0	3
Expectorant on Food	1	0	0	0	0	1
Exploitation of A Child	0	0	0	0	0	0
Explosives	2	0	1	0	0	3
Failure to Allow Inspections of Liquor Establishment	0	0	0	1	0	1
Fail to Register As Sex Offender	1	3	5	0	0	9
Failure To Appear	0	0	0	0	0	0
Failure to Secure Firearm	0	0	0	0	0	0
False Fire Alarm	0	0	0	1	0	1
False Impersonation	0	1	0	0	1	2

Criminal Arrest 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
False Police Report	7	11	1	10	8	37
False Report Theft or Loss	0	0	0	0	0	0
Felon in Possession of Firearm	1	3	1	0	0	5
Fictitious Plates	0	1	0	0	0	1
Fictitious / Alter DL	0	0	1	0	0	1
Financial Exploitation of Elderly/Disabled	0	0	1	2	0	3
Financial Identity Theft	0	0	1	1	0	2
Fireworks	0	3	5	4	1	13
Fleeing / Eluding	0	1	0	1	1	3
Forgery	56	31	37	34	28	186
Fraud	1	1	0	1	0	3
Fraudulent Drivers License	0	0	0	0	0	0
Fraudulent Use of An Electronic Transmission	1	0	0	0	0	1
Harassment By Telephone	10	5	3	9	4	31
Harboring Runaway	1	1	1	1	0	4
Harmful Material	0	2	1	0	0	3
Hate Crime	1	1	3	1	13	19
Home Fraud	6	0	0	0	0	6
Home Invasion	13	7	9	5	8	42
Hunting Without a License	0	0	0	1	0	1
Impersonation	0	0	0	0	0	0
Impersonating a Peace Officer	0	0	0	0	0	0
Insurance Fraud	0	0	0	0	0	0
Interfere With Emergency Communications	9	6	4	3	11	33
Interference w/ Judicial Procedure	0	2	1	1	0	4
Interfere with Public Utilities	0	1	0	0	0	1
Interfering w/ Police	0	0	0	0	0	0
Interfere w/ Report Domestic Battery	13	8	1	6	13	41
Intimidation	5	7	1	11	1	25
Intoxicating Compound (Huffing)	1	1	0	0	0	2
Investigations Only	0	0	0	0	0	0
Keeping A Tavern Open After Hours	0	0	0	1	0	1
Kidnapping	1	0	0	0	0	1
Littering	3	3	3	2	4	15
Look Alike Controlled Substance-Possession	0	2	0	0	1	3
Loud Disturbing and Unnecessary Noise	9	15	10	21	15	70
Make False Application For Drivers License	0	0	0	0	0	0
Malicious Mischief	0	0	0	0	0	0
Manufacture/Delivery Controlled Substance	17	57	32	18	1	125
Minor In Liquor Establishment	0	0	0	0	0	0
Minor Requiring Authoritative Intervention	6	17	8	4	6	41
Misrepresentation of Age By Minor	0	0	1	1	0	2
Mob Action	15	18	13	4	18	68
Motor Vehicle Theft	12	13	10	15	9	59
Murder	0	0	1	0	0	1
Nauseous Gas	0	0	0	0	0	0
Neglect of Child	6	1	2	2	5	16
No F.O.I.D. Card	4	6	1	3	4	18
No Solicitation Permit	0	0	0	0	3	3
No Transportation Merc. License	0	0	0	0	0	0
Obscene Phone Call	1	0	0	0	0	1
Obscenity	0	1	1	0	0	2
Obstructing Justice	13	29	30	19	25	116
Obstructing Police	0	5	0	0	1	6
Obtain Controlled Substance by Fraud	0	0	0	0	0	0
Open Title Motor Vehicle Anti-Theft	0	0	0	0	0	0
Perjury	0	0	0	0	0	0

Criminal Arrest 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
Permit Unauthorized Driver	0	1	0	0	0	1
Permit Under Age Drinking	2	2	2	0	0	6
Permit Under Age Gathering	1	7	2	0	1	11
Pierce Body	0	1	0	0	0	1
Possession of Alcohol By A Minor	18	21	10	0	4	53
Possession of Alcohol In Public	1	2	1	3	0	7
Possession of Ammo	0	0	1	0	0	1
Possession of Burglary Tools	1	6	3	4	2	16
Possession of Cannabis	109	184	145	102	90	630
Possession of Cannabis w/ Intent to Deliver	3	7	4	4	2	20
Possession of Child Pornography	0	0	0	0	0	0
Possession of Controlled Substance	80	127	56	51	27	341
Possession of Controlled Substance w/ Intent to Deliver	4	5	1	2	3	15
Possession of Counterfeit Prescription Form	0	0	0	1	0	1
Possession of Converted Vehicle	0	0	0	0	0	0
Possession of Drug Equipment/Paraphernalia	213	258	73	112	110	766
Possession of Explosive or Incendiary Device	0	0	0	4	0	4
Possession of Firearm by A Felon	0	0	0	0	0	0
Possession of Hypodermic Needle	15	33	26	4	9	87
Possession of Key to Coin Operated Machine	0	0	0	0	1	1
Possession of Look Alike Substance	1	0	0	0	1	2
Possession of Lost / Mislaid Property	0	0	0	0	0	0
Possession of Precursors of Meth	7	12	15	5	4	43
Possession of Stolen Property	25	78	24	15	14	156
Possession of Stolen Vehicle	0	2	0	3	0	5
Possession of Tobacco Products	27	21	25	16	21	110
Possession of Weapon By A Minor	0	0	0	0	0	0
Possession Open Liquor	0	0	0	0	0	0
Possession w/ Intent to Deliver Controlled Substance	0	1	0	0	0	1
Predatory Criminal Sexual Assault To A Child	5	1	1	3	0	10
Prescription Fraud	3	0	0	0	0	3
Production of Cannabis	0	0	0	0	0	0
Prostitution	0	0	0	0	1	1
Protective Custody	3	5	1	0	1	10
Prowler	0	1	0	0	0	1
Public Indecency	1	2	1	0	0	4
Public Intoxication	0	0	0	1	0	1
Purse Snatch	2	0	0	0	0	2
Reckless Conduct	9	10	6	10	1	36
Reckless Discharge of Firearm	1	1	3	0	0	5
Reckless Driving	0	0	0	1	1	2
Registered Sex Offender at School	0	0	1	0	0	1
Released No Charge	0	0	0	6	4	10
Residential Burglary	19	27	21	26	17	110
Resisting Arrest	49	75	97	79	86	386
Retail Theft	101	55	76	56	72	360
Robbery	3	5	0	3	7	18
Runaway	73	78	73	36	41	301
Sale / Gift Tobacco to a Minor	5	7	2	4	0	18
Sale of Alcohol To Minor	2	2	2	1	5	12
Sale of Drug Paraphernalia	0	0	0	0	0	0
Sex Offender Register	0	0	0	0	0	0
Sexual Exploitation of a Child	0	0	1	0	0	1
Skateboarding	0	0	0	14	21	35
Solicit Child	0	1	0	0	1	2
Solicitation	0	0	0	0	1	1
Stalking	0	1	4	0	0	5

Criminal Arrest 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
Tamper with Food / Drug / Cosmetics	0	1	0	0	0	1
Tattooing a Minor	0	2	0	0	0	2
Telephone Threat	0	0	2	2	2	6
Theft	110	186	107	72	69	544
Theft from Coin Operated Device	0	0	0	11	11	22
Theft From Motor Vehicle	0	2	0	0	0	2
Theft of Lost Property	0	0	1	0	0	1
Theft of Motor Vehicle Parts and Accessories	1	1	0	0	0	2
Theft of Services	5	7	10	5	7	34
Theft of Wireless Service	0	0	0	1	0	1
Throwing Missiles or Bottles	0	0	2	0	2	4
Titles	0	0	0	1	0	1
Traffic Violations	9	7	3	1	1	21
Truancy	176	23	40	44	87	370
Unlawful Acquisition Controlled Substance	0	0	1	0	0	1
Unlawful Possession of Firearm	1	0	0	0	1	2
Unlawful Restraint	10	2	6	0	8	26
Unlawful Sale of Firearms	0	0	0	0	0	0
Unlawful Use of License	0	0	0	1	0	1
Unlawful Use of Residence	0	0	2	0	0	2
Unlawful Use of Weapons	8	15	7	12	5	47
Use of False I.D.	0	0	0	0	0	0
Vehicular Invasion	1	1	1	3	0	6
Vehicular Hi-jacking	0	0	1	0	0	1
Violate SOR Act	0	0	0	0	1	1
Violation of Bail Bond	0	0	2	0	0	2
Violation of Clean Air Act	0	0	0	0	0	0
Violation of Liquor Ordinance	0	0	0	0	1	1
Violation Order of Protection	39	32	39	27	34	171
Violation of Parole	0	5	0	0	0	5
Violation of Probation	2	1	1	3	1	8
Visitation Interference	2	2	1	1	0	6
Warrant	492	563	550	554	492	2651
Writ of Attachment	0	0	0	0	0	0
TOTAL	3,046	3,401	2,872	2,622	2,491	14,432
Total of Adult Arrest	2,204	2,664	2,286	2,028	2,063	
Total of Juvenile Arrest	842	737	586	594	428	
Percent Increase/Decrease	5%	12%	-16%	-9%	-5%	

2005 MALE / FEMALE CRIMINAL ARREST

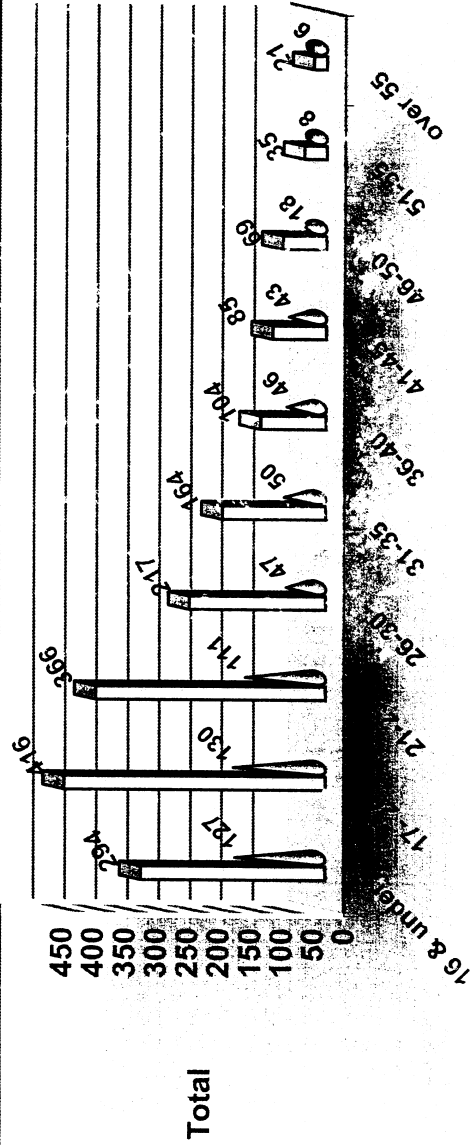
MALES

16 & under	17-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	over 55	TOTAL
294	416	366	217	164	104	85	69	35	21	1771

FEMALES

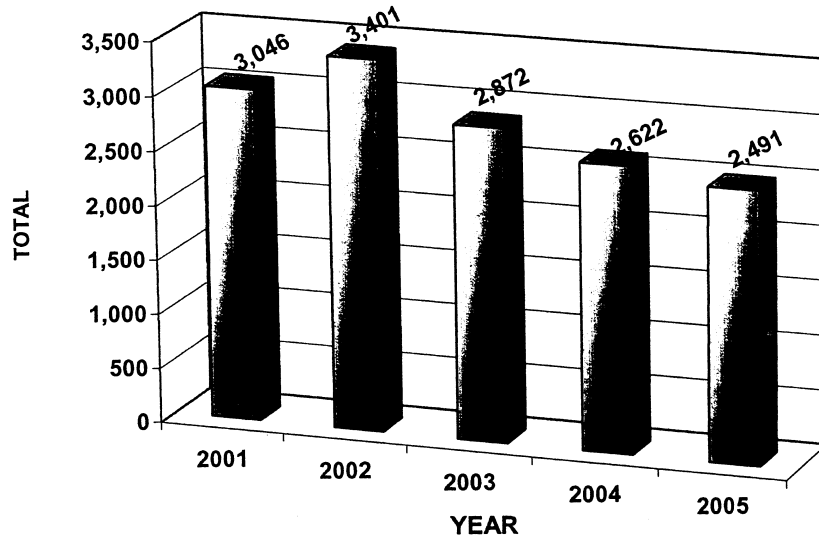
16 & under	17-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	over 55	TOTAL
127	130	111	47	50	46	43	18	8	6	586

☐ MALES
 ☐ FEMALES

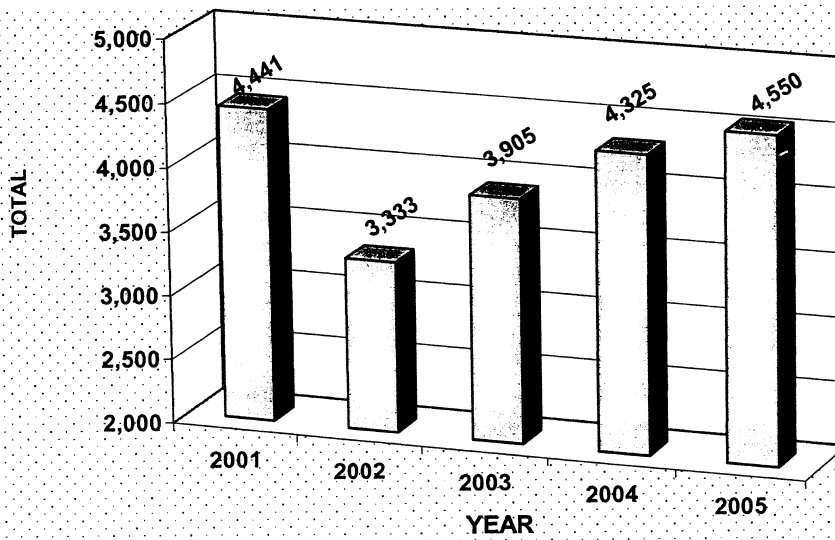


Ages

Criminal Arrests 2001 - 2005



Traffic Arrests 2001 - 2005



Traffic Arrest
2005

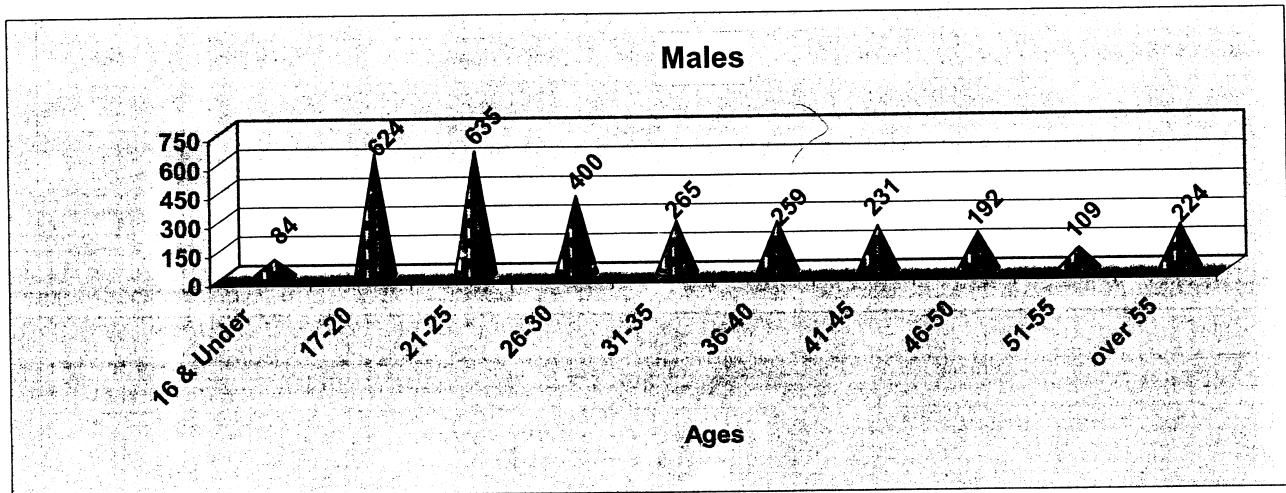
Traffic Arrest 2001 - 2005							
		2001	2002	2003	2004	2005	Total
Alcohol and Drug Related Violations							
	BAC	63	62	78	58	59	320
	D.U. I. Alcohol	138	117	128	109	106	598
	D.U.I. Drugs	10	6	13	8	0	37
	D.U.I. Drugs and Alcohol	0	0	0	0	0	0
	Illegal Transportation of Alcohol	40	36	47	32	48	203
	Intoxicated Pedestrian	2	0	1	0	0	3
	Permit DUI to Drive	0	0	0	0	0	0
Miscellaneous Violations		7	0		7		14
Other Driving Offenses	Aggravated Fleeing	0	2	0	0	0	2
	Aggravated Reckless Driving	0	0	0	0	0	0
	ATV on Road	0	1	2	0	0	3
	Avoid Traffic Control Device	0	0	0	0	0	0
	Bicycle	0	1	0	0	0	1
	Cling to Vehicle	0	0	1	0	0	1
	Cross Fire Hose	1	1	0	0	0	2
	Cross Private Property to Avoid Traffic Device	0	1	0	0	0	1
	Disobey Crossing Guard	0	0	1	0	0	1
	Disobey Police	2	1	0	0	2	5
	Disobey Railroad Signal	4	0	1	0	0	5
	Drag Racing	9	0	12	4	6	31
	Drive Through Safety Zone	0	0	0	0	0	0
	Driving Left Prohibited	0	0	0	0	0	0
	Driving Off Road	0	1	0	0	0	1
	Driving on Sidewalk	0	2	1	0	0	3
	Driving Right on Roadway	0	0	0	0	0	0
	Fleeing and Eluding	11	9	7	12	5	44
	Following Too Close	4	5	16	15	6	46
	Funeral Procession	2	1	0	0	0	3
	Improper Backing	5	2	15	9	13	44
	Improper Start - Parked Vehicle	0	0	0	0	0	0
	Lifeline	0	1	2	0	0	3
	Reckless Driving	24	22	38	34	26	144
	Passing School Bus	0	0	55	0	0	55
	Possession of Stolen Vehicle	0	4	0	0	3	7
	Squealing Tires	32	9	20	22	22	105
	Wrong Way on a One Way	12	10	8	8	4	42
Violations Relating to Driver's License							
	Driving While License Suspended/Revoked	256	237	224	304	320	1341
	Expired Drivers License	14	0	53	0	0	67
	Failure to Notify SOS of Change	6	6	4	5	5	26
	Graduated License	1	0	0	3	3	7
	No Drivers License on Person	91	70	52	40	14	267
	No Valid Drivers License	65	99	116	129	114	523
	Operate On Foreign License While Rev/Sus	0	0	0	0	0	0
	Permit/Decal Violation	0	0	0	0	5	5
	Permit Unauthorized Person to Drive	4	3	5	10	11	33
	Restricted Drivers Permit	0	0	1	3	0	4
	Unlawful Use of DL	0	0	2	1	1	4
Violations Relating to Failure to Yield		79	83	156	118	121	557
Violations Relating to Lane Usage		61	53	92	78	53	337
Violations Relating to License Classifications/Restrictions		8	2	3	3	2	18
Violations Relating to Loud Exhaust		7	6	12	5	10	40
Violations Relating to Motorcycle Operation		2	4	5	3	2	16
Violations Relating to Operation of Trucks		16	12	15	4	9	56
Violations Relating to Parking		0	2	11	1	1	15
Violations Relating to Passing		15	8	3	16	12	54
Violations Relating to Pedestrians		1	3	0	4	2	10
Violations Relating to Safety Belts and Child Restraint	Child Restraint	17	9	30	41	40	137

Traffic Arrest 2001 - 2005							
		2001	2002	2003	2004	2005	Total
	Failure to Wear Seatbelt	336	157	369	702	993	2557
Violations Relating to Speeding		1460	930	842	1046	970	5248
Violations Relating to Stopping		242	161	194	167	187	951
Violations Relating to Traffic Crashes							
	Fail to Give Information	4	7	16	9	15	51
	Failure to Exercise Due Care	0	3	3	0	0	6
	Failure to Report Accident	5	0	4	2	8	19
	Failure to Report Striking Vehicle	0	0	0	0	0	0
	Failure to Stop and Render Aid	0	0	0	0	0	0
	Hit and Run	1	1	3	0	0	5
	Leaving Scene of Accident	26	29	33	32	24	144
Violations Relating to Turning		9	8	11	12	19	59
Violations Relating to Vehicle Equipment		17	28	36	21	8	110
Violations Relating to Vehicle Insurance							
	False Insurance Card	0	2	0		2	4
	Suspended Mandatory Insurance Violation	10	24	34	32	40	140
	Uninsured Motor Vehicle	1137	897	895	988	1036	4953
Violations Relating to Vehicle Lighting		19	28	34	18	22	121
Violations Relating to Vehicle Registration							
	Cert. Title Registration	0	0	0	0	0	0
	Expired Registration	110	74	64	128	114	490
	Fail to Transfer Registration	0	0	0	2	0	2
	Fictitious Plates	0	0	0	5	3	8
	Improper Display of Plates	1	3	3	0	2	9
	Improper Use/Display of Registration	13	22	21	20	13	89
	No Plate	2	0	3	0	2	7
	No Valid Registration	24	23	58	27	41	173
	Plate Suspended Financial	0	0	0	0	0	0
	Possession Counterfeit Registration Sticker	0	0	0	1	0	1
	Possession of Stolen Registration	0	0	0	0	0	0
	Suspended / Revoked Registration	4	21	32	10	14	81
Violations Relating to Vehicle Signaling		10	16	15	14	10	65
Violations Relating to Vehicle Titles		1	4	5	2	0	12
Violations Relating to Loud Music/Noise		1	4	0	1	2	8
							0
	TOTALS	4,441	3,333	3,905	4,325	4,550	20,554
	Percentage of Increase/Decrease	19%	-25%	17%	11%	5%	

2005 MALE / FEMALE ADULT TRAFFIC ARREST

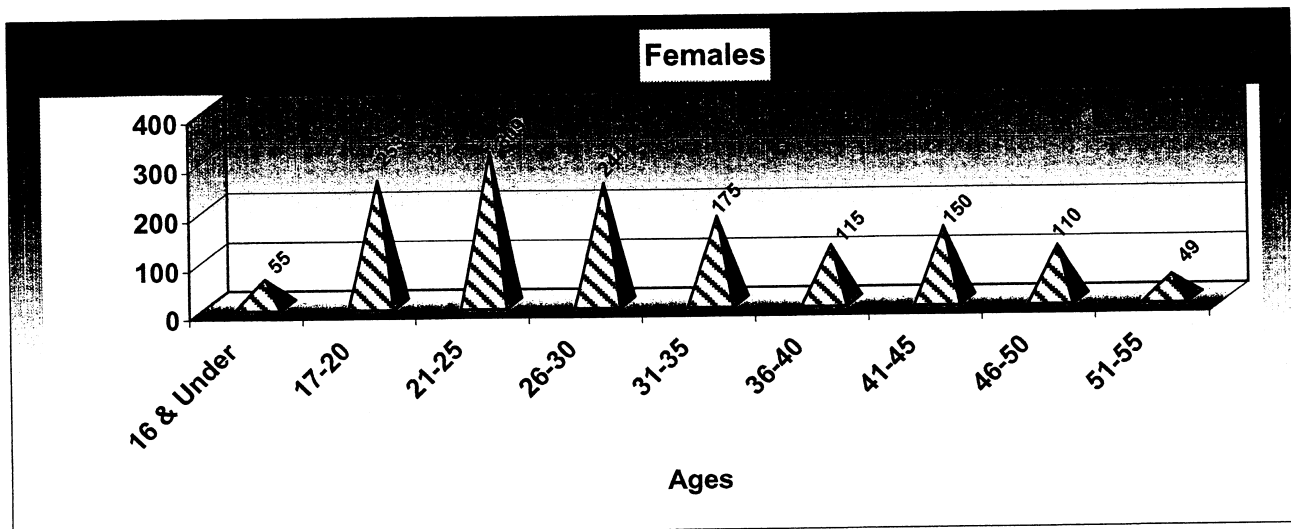
MALES

16 & Under	17-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	over 55	Total
84	624	635	400	265	259	231	192	109	224	3023



FEMALES

16 & Under	17-20	21-25	26-30	31-35	36-40	41-45	46-50	51-55	over 55	Total
55	253	309	244	175	115	150	110	49	125	1585



Written Warnings 2001 - 2005							
		2001	2002	2003	2004	2005	Total
Alcohol and Drug Related Violations							
	BAC	0	0	0	0	0	0
	D.U. I. Alcohol	0	0	0	0	0	0
	D.U.I. Drugs	0	0	0	0	0	0
	D.U.I. Drugs and Alcohol	0	0	0	0	0	0
	Illegal Transportation of Alcohol	0	0	0	0	0	0
	Intoxicated Pedestrian	0	0	0	0	0	0
	Permit DUI to Drive	0	0	0	0	0	0
Miscellaneous Violations		2	1	2	9		12
Other Driving Offenses	Aggravated Fleeing & Eluding Police	0	0	0	0	0	0
	Aggravated Reckless Driving	0	0	0	0	0	0
	Avoid Traffic Control Device	0	0	0	0	0	0
	Cling to Vehicle	0	0	0	0	0	0
	Cross Fire Hose	0	0	0	0	0	0
	Cross Private Property to Avoid Traffic Device	1	0	0	0	0	0
	Disobey Police	0	0	0	0	2	2
	Disobey Railroad Signal	0	0	0	0	0	0
	Drag Racing	0	0	0	0	0	0
	Drive Through Safety Zone	0	0	0	0	0	0
	Driving Left Prohibited	0	0	0	0	0	0
	Driving Off Road	0	0	0	0	0	0
	Driving on Sidewalk	0	1	1	0	0	2
	Driving Right on Roadway	0	0	0	0	0	0
	Fleeing and Eluding Police	0	0	0	0	0	0
	Following Too Close	7	5	3	6	7	21
	Funeral Procession	2	0	0	0	0	0
	Improper Backing	3	1	3	7	5	16
	Improper Start - Parked Vehicle	0	0	0	0	0	0
	Obstructing Traffic	0	0	0	0	3	3
	Reckless Driving	2	1	1	0	0	2
	Squealing Tires	10	1	9	13	10	33
	Wrong Way on a One Way	21	13	11	27	26	77
Violations Relating to Driver's License	Driving While License Suspended/Revoked	1	0	0	0	1	1
	Expired Drivers License	19	0	0	0	0	0
	Failure to Notify SOS of Change	106	48	29	103	151	331
	Graduated License	0	0	0	0	0	0
	No Drivers License on Person	202	88	82	170	240	580
	No Valid Drivers License	2	0	11	21	29	61
	Operate On Foreign License While Rev/Sus	0	0	0	0	0	0
	Permit / Decal Violation	0	0	0	3	8	11
	Permit Unauthorized Person to Drive	0	0	1	0	0	1
	Restricted Drivers Permit	0	9	0	1	1	11
	Unlawful Use of DL	0	0	0	0	1	1
Violations Relating to Failure to Yield		32	18	20	25	35	98
Violations Relating to Lane Usage		82	62	51	108	143	364
Violations Relating to License Classifications/Restrictions		2	0	0	1	2	3
Violations Relating to Loud Exhaust		223	80	95	132	145	452
Violations Relating to Motorcycle Operation		2	2	0	1	1	4
Violations Relating to Operation of Trucks		74	27	31	41	58	157

Written Warnings 2001 - 2005							
		2001	2002	2003	2004	2005	Total
Violations Relating to Parking		0	0	3	1	4	8
Violations Relating to Passing		5	7	5	5	9	26
Violations Relating to Pedestrians		0	0	0	0	0	0
Violations Relating to Safety Belts and Child Restraint	Child Restraint	0	0	0	3	4	7
	Failure to Wear Seatbelt	27	8	19	97	150	274
Violations Relating to Speeding		1465	896	780	1461	2283	5420
Violations Relating to Stopping		236	162	142	229	333	866
Violations Relating to Traffic Crashes	Fail to Give Information	0	0	0	0	0	0
	Failure to Exercise Due Care	0	0	0	0	0	0
	Failure to Report Accident	0	0	0	0	0	0
	Failure to Report Striking Vehicle	0	0	0	0	0	0
	Failure to Stop and Render Aid	0	0	0	0	0	0
	Hit and Run	0	0	0	0	0	0
	Leaving Scene of Accident	0	0	0	0	1	1
Violations Relating to Turning		19	16	13	34	58	121
Violations Relating to Vehicle Equipment		186	153	90	190	168	601
Violations Relating to Vehicle Insurance	False Insurance Card	0	0	0	0	0	0
	Suspended Mandatory Insurance Violation	0	1	0	1	2	4
	Uninsured Motor Vehicle	98	13	16	72	102	203
Violations Relating to Vehicle Lighting		624	458	350	664	868	2340
Violations Relating to Vehicle Registration	Cert. Title Registration	0	0	0	0	0	0
	Display Registration Plate/Decal etc.	5	1	0	0	2	3
	Expired Registration	62	31	59	183	260	533
	Failure to Transfer Registration	0	0	0	0	1	1
	Fictitious Plates	1	0	0	0	0	0
	Improper Display of Plates	0	0	14	27	47	88
	Improper Use/Display of Registration	114	60	16	23	51	150
	No Evidence of Registration	0	0	0	0	0	0
	No Plate	14	16	9	19	29	73
	No Registration Sticker	0	0	0	0	0	0
	No Valid Registration	72	41	53	89	155	338
	Plate Suspended Financial	0	0	0	0	0	0
	Possession Counterfeit Registration Sticker	0	0	0	0	0	0
	Possession of Stolen Registration	0	0	0	0	0	0
	Suspended / Revoked Registration	0	0	0	0	1	1
	Unlawful Display of Plate	0	0	0	20	17	37
Violations Relating to Vehicle Signaling		77	91	69	128	124	412
Violations Relating to Vehicle Titles		0	0	1	0	0	1
Violations Relating to Loud Music/Noise		8	2	7	2	3	14
	TOTALS	3,806	2,313	1,996	3,916	5,540	12,031
	Percentage of Increase/Decrease	4%	-39%	-14%	96%	41%	

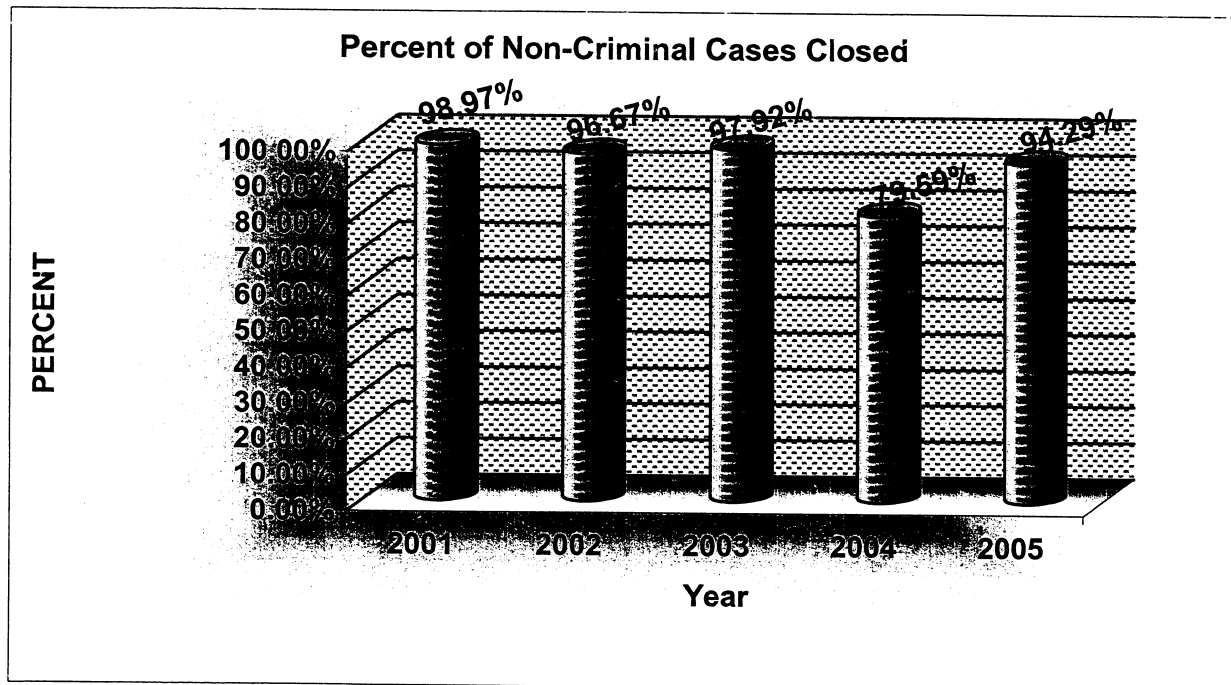
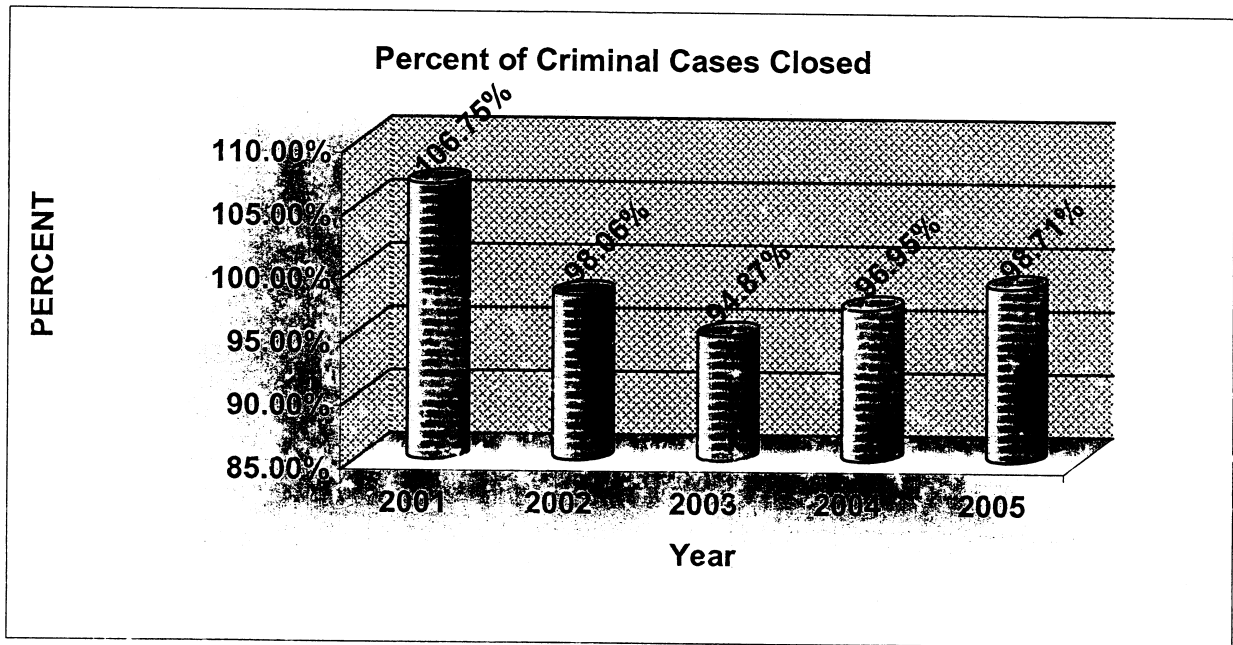
Investigations
2005

	2001	2002	2003	2004	2005
*Criminal Cases Assigned	889	823	857	821	696
Criminal Cases Closed by Arrest	438	337	277	290	257
*Cases Closed Exceptionally	511	470	536	506	430
Percent of Criminal Cases Closed	106.75%	98.06%	94.87%	96.95%	98.71%
Criminal Cases Assigned Informational	567	1056	1037	1106	855
**Informational Cases Closed Exceptionally	**	**	**	102	130
Non-Criminal Cases Assigned	97	60	48	49	35
Non-Criminal Cases Cleared	96	58	47	39	33
Percent of Non-Criminal Cases Closed	98.97%	96.67%	97.92%	79.59%	94.29%
Juvenile Offenses	735	586	734	594	579
Juvenile Arrests	467	397	476	430	428
TOTAL CASES ASSIGNED	2,288	2,525	2,676	2,570	2,165

*Criminal Cases Assigned: Not all Cases are assigned.

*Criminal Cases Closed Exceptionally: For reasons beyond the police control, after having identified the perpetrator (s), charges are not brought in a Court of Law for a variety of reasons such as, victim will not cooperate, etc.

** Data not available (New starting 2004)



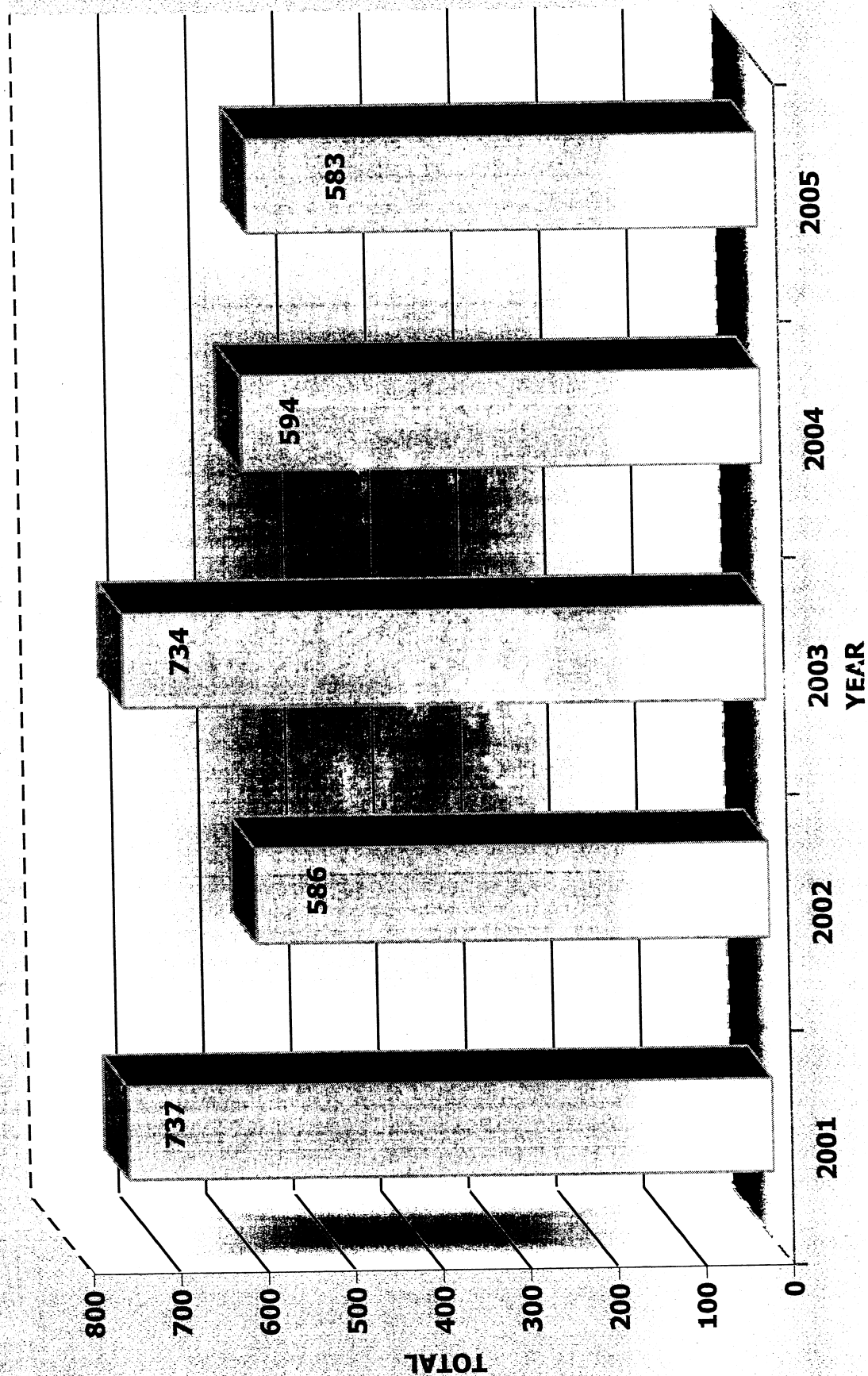
Juvenile
2005

Five Year Juvenile Arrest 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
** Indicates New Charges for 2005						
Aggravated Arson	0	0	0	2	2	4
Aggravated Assault	3	3	4	8	11	29
Aggravated Assault on Police Officer	0	1	2	2	0	5
Aggravated Assault on School Personal	0	1	3	1	3	8
Aggravated Battery	23	8	4	8	14	57
Aggravated Battery on Police Officer	8	2	2	0	1	13
Aggravated Battery on School Personnel	0	5	0	2	3	10
Aggravated Battery on Senior Citizen **	0	0	0	0	2	2
Aggravated Criminal Sexual Abuse	3	0	0	3	0	6
Aggravated Criminal Sexual Assault	4	0	2	4	0	10
Aggravated Domestic Battery	0	0	0	0	1	1
Aggravated Kidnapping	0	0	0	0	0	0
Aggravated Robbery	0	0	0	0	0	0
Aggravated Unlawful Restraint **	0	0	0	0	2	2
Armed Robbery	0	1	0	0	1	2
Armed Violence	0	0	0	0	0	0
Arson	0	0	4	1	1	6
Assault	3	6	2	4	0	15
ATM Fraud	2	0	0	1	4	7
Attempted Escape	0	1	0	0	0	1
Attempted Suicide	0	1	1	0	0	2
Auto Theft	2	2	2	4	3	13
Battery	30	21	19	31	20	121
Battery of An Unborn Child	0	0	0	0	0	0
Bomb Threat **	0	0	0	0	2	2
Burglary	15	10	15	8	6	54
Burglary from Motor Vehicle	19	11	32	16	14	92
Child Abandonment	0	0	0	1	0	1
Child Pornography	0	0	0	1	0	1
Communication with Witnesses	0	3	1	0	0	4
Concealing/Aiding Fugitive	0	0	0	0	0	0
Conspiracy	0	0	0	0	0	0
Conspiracy to Unlawful Sale Firearms	0	0	0	0	0	0
Consumption Alcohol By A Minor	46	34	53	27	13	173
Contributing To Delinquency Of Minor	0	0	0	0	0	0
Creating Loud and Disturbing Noises	0	0	0	0	0	0
Credit Card Fraud	2	1	0	1	0	4
Criminal Damage To Property	36	30	67	38	30	201
Criminal Damage to Property (State Supported)	0	2	11	5	2	19
Criminal Damage to Vehicle	0	4	0	4	0	8
Criminal Defacement Of Property	0	0	0	0	0	0
Criminal Sexual Abuse	0	1	1	0	4	6
Criminal Sexual Assault	0	0	1	0	3	4
Criminal Trespass to Land	0	22	14	24	25	85
Criminal Trespass To Property	7	0	3	2	1	13
Criminal Trespass to Motor Vehicle	1	7	5	5	9	27
Criminal Trespass to Residence	0	3	7	5	1	16
Curfew	54	48	75	63	32	272
Deceptive Practice	0	0	2	0	0	2
Defacing ID Marks on Firearms **	0	0	0	0	1	1
Delivery Of Alcohol To A Minor	0	0	0	0	0	0
Delivery Of Cannabis	0	1	0	2	0	3
Delivery Of Controlled Substance	1	1	1	1	0	4
Delivery of Controlled Substance School Grounds	0	0	0	1	1	2
Delivery Of Look Alike Substance	0	0	0	0	0	0
Delivery Of Tobacco To A Minor	0	0	0	0	0	0
Dependent Minor	0	0		0	0	0
Discharging Air Rifle	0	0	2	0	0	2
Disobedience/Interference With Police	2	3	1	2	2	10
Disorderly Conduct	36	22	39	37	20	154
Dog at Large	0	0	0	1	1	2
Domestic Battery	23	12	20	18	19	92
Escape	0	0	0	0	0	0

Five Year Juvenile Arrest 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
** Indicates New Charges for 2005						
Failure to Appear	0	0	0	0	0	0
False Fire Report	0	0	0	1	0	1
False Police Report	1	1	0	0	2	4
Firearms/Use/I.D.	0	0	0	0	0	0
Fires	0	0	0	0	5	5
Fireworks	0	1	2	0	0	3
Forgery	0	2	3	0	0	5
Harassment by Telephone	0	3	0	1	0	4
Harboring a Runaway	0	0	1	0	0	1
Hate Crime	0	0	1	0	10	11
Hold For Other Agency	0	0	0	0	0	0
Home Invasion	0	0	0	0	0	0
Interference with Emergency Communications	0	1	1	1	2	5
Interfering w/ Reporting Domestic Violence	1	1	0	1	1	4
Intimidation	0	5	1	3	0	9
Intoxicating Compound (Huffing)	1	0	0	0	0	1
Investigation Only	0	0	0	4	0	4
Littering	2	0	0	1	1	4
Load Disturbing Noises	0	0	0	1	0	1
Manufacturing and Delivery of Control Substance	0	1	1	1	0	3
Minor Frequenting Liquor Establishment	0	0	0	0	0	0
Minor Requiring Authoritative Intervention	6	17	8	4	8	43
Mob Action	11	5	0	5	8	29
No F.O.I.D. Card **	0	0	0	0	1	1
Obstructing A Police Officer	0	5	1	0	1	7
Obstruction Of Justice	1	2	0	0	1	4
Permit Underage Drinking	0	0	1	1	0	2
Possession Of A Converted Vehicle	0	0	0	0	0	0
Possession Of Alcohol By A Minor	3	4	1	0	1	9
Possession Of Burglary Tools	0	1	0	0	1	2
Possession of Cannabis (over 30 grams) **	0	0	0	0	1	1
Possession Of Cannabis (under 30 grams)	20	26	26	15	10	97
Possession of Cannabis W/Intent to Deliver	0	1	0	0	0	1
Possession Of Controlled Substance	2	4	4	3	3	16
Possession Of Controlled Substance Sch Grounds **	0	0	0	0	1	1
Possession Of Control Subst. W/ Intent to Deliver	0	1	1	0	0	2
Possession Of Credit/Debit Card	0	0	0	0	0	0
Possession Of Drug Paraphernalia	37	25	11	13	16	102
Possession of Hypodermic Needle	1	0	0	0	1	2
Possession Of Incendiary Device	0	0	2	0	0	2
Possession Of Killed Species (Out of Season)	0	0	0	0	0	0
Possession Of Look Alike Substance	1	0	0	0	1	2
Possession of Precursors	0	0	1	0	0	1
Possession of Stolen Property	0	8	10	7	6	31
Possession of Stolen Vehicle	0	0	0	1	0	1
Possession Of Tobacco By A Minor	22	14	20	10	18	84
Protective Custody	3	5	1	0	1	10
Public Indecency	0	0	1	0	0	1
Reckless Conduct	3	3	2	1	0	9
Reckless Discharge of a Firearm	0	0	1	0	0	1
Residential Burglary	6	13	6	10	8	43
Resisting Arrest	9	8	16	9	7	49
Retail Theft	42	19	40	17	33	151
Robbery	1	1	0	0	5	7
Runaway	72	77	68	36	35	288
Sale/Gift Alcohol To Minor	0	0	0	0	0	0
Sale of Drug Paraphernalia	0	0	0	0	0	0
Sale Of Tobacco To Minor	0	0	0	0	0	0
Skateboarding	0	0	0	10	24	34
Solicitation of a Sexual Act	0	0	0	0	0	0
Theft	39	23	38	25	16	141
Throwing Missiles	0	0	1	0	2	3
Traffic	9	7	12	22	8	58

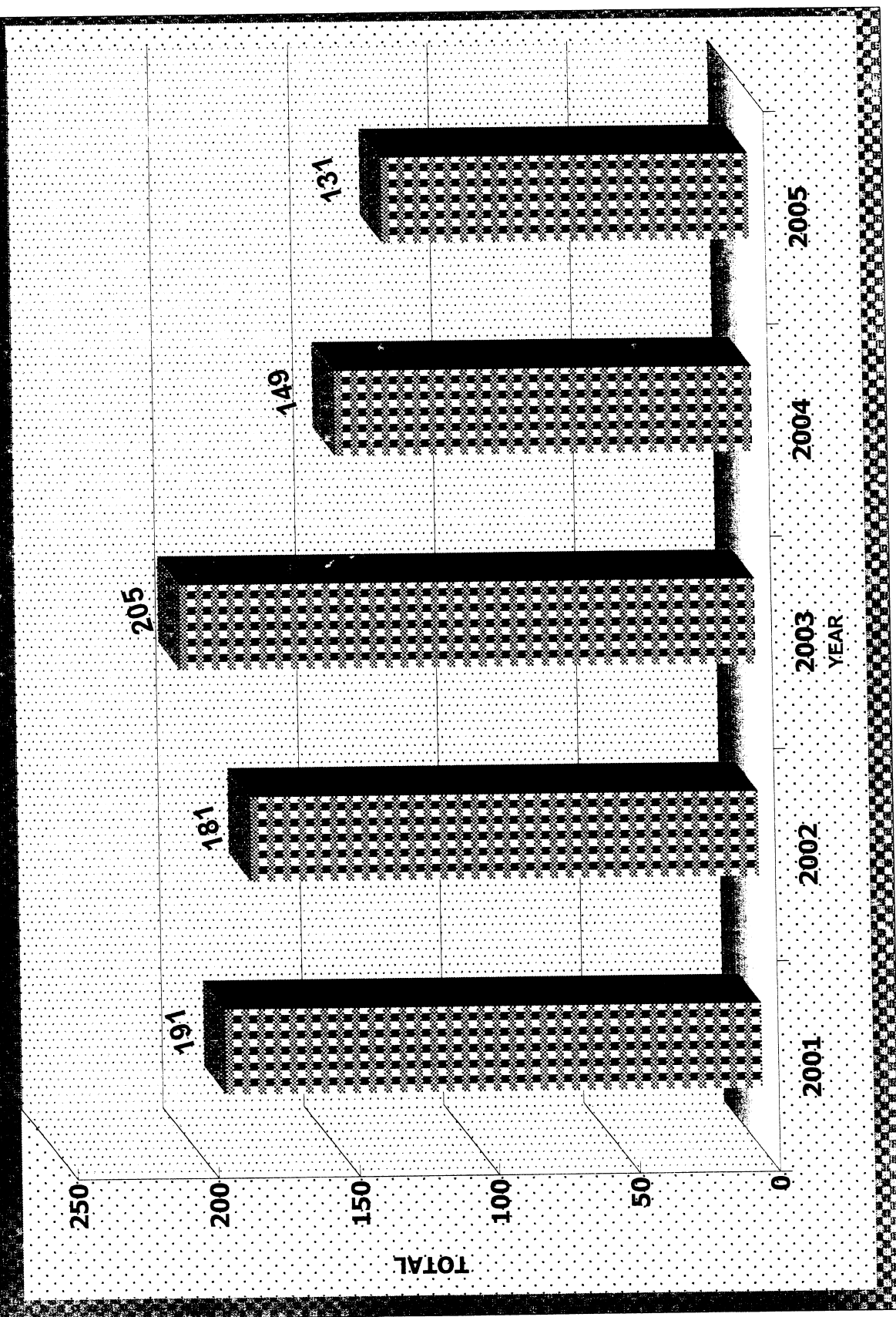
Five Year Juvenile Arrest 2001 - 2005[illegible]

Juvenile Arrest for 2001 - 2005

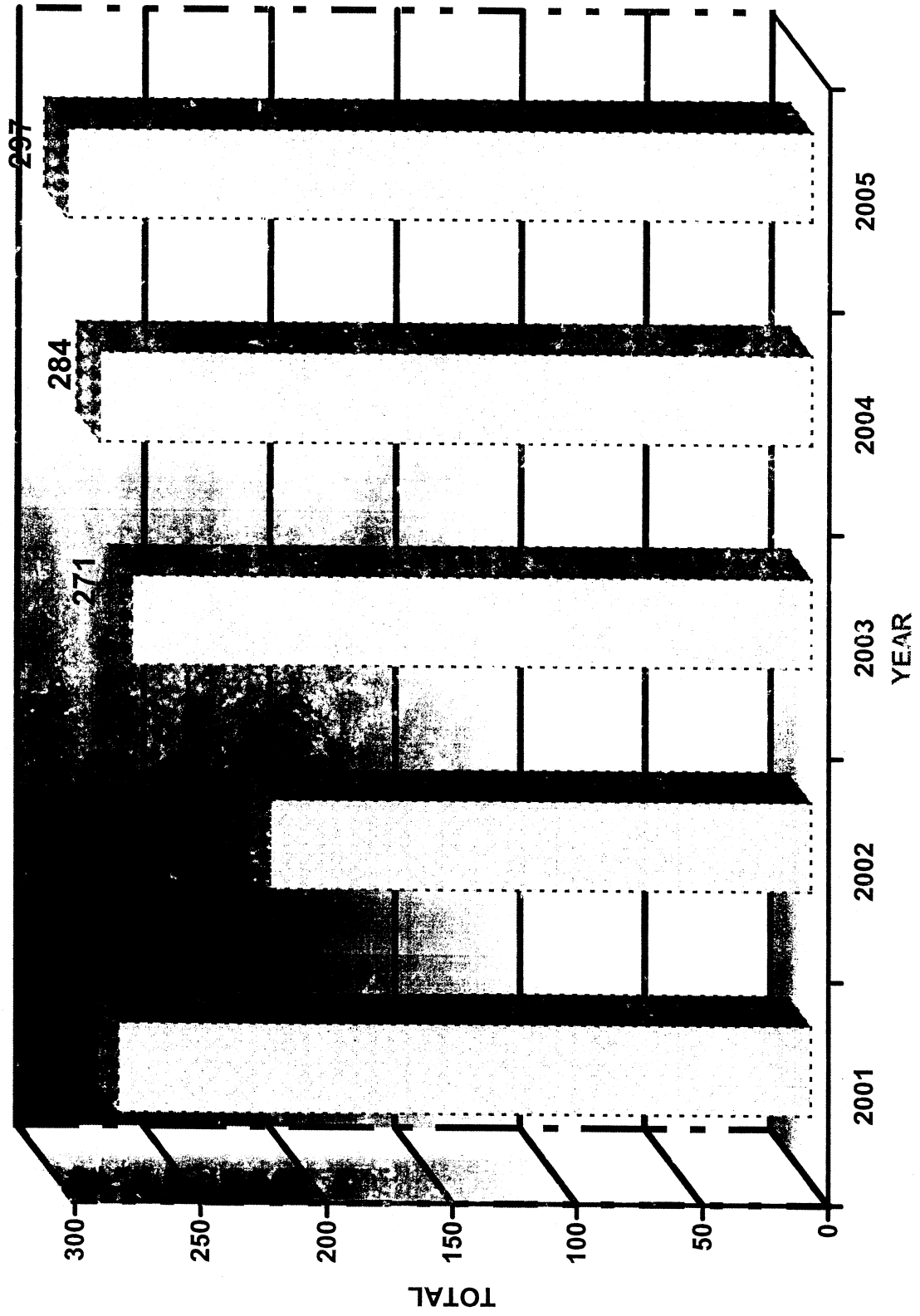


Male Offenses by Age						
	2001	2002	2003	2004	2005	
AGE						TOTAL
Under 1	1	0	0	0	0	1
4	0	0	0	0	0	0
5	0	0	0	0	3	3
6	0	0	0	0	0	0
7	0	0	2	1	0	3
8	1	1	0	0	1	3
9	6	2	2	2	7	19
10	3	13	15	5	4	40
11	8	4	23	17	13	65
12	12	7	21	32	27	99
13	40	14	26	41	67	188
14	65	40	23	50	52	230
15	62	54	63	72	56	307
16	75	77	93	64	64	373
17	3	3	3	0	3	12
TOTAL	276	216	271	284	297	1,047
Female Offenses by Age						
	2001	2002	2003	2004	2005	
AGE						TOTAL
1	1	0	0	0	0	1
2	0	0	0	0	0	0
3	0	0	0	0	0	0
4	0	0	0	0	0	0
5	0	0	0	0	1	1
6	0	0	0	0	0	0
7	0	0	0	0	1	1
8	0	0	0	0	0	0
9	3	2	1	0	0	6
10	4	0	2	0	1	7
11	2	5	1	3	2	13
12	12	15	17	7	2	53
13	20	21	31	22	8	102
14	33	53	36	28	25	175
15	63	31	75	36	43	248
16	48	51	41	51	44	235
17	5	4	1	2	4	16
TOTAL	191	181	205	149	131	858

Female Juvenile Five Year Arrest Total



Male Juvenile Five Year Arrest Total



Monthly Juvenile Custody -- 2005													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	OCT	Nov	Dec	TOTAL
Taken into Custody	35	36	47	38	48	29	40	30	29	35	41	20	428
Repeat Offenders	15	13	24	10	23	15	24	13	15	13	19	5	189
Males	24	29	29	26	27	21	28	24	19	25	29	16	297
Females	11	7	18	12	21	8	12	6	10	10	12	4	131
Detention	4	3	5	2	6	4	1	0	8	1	6	1	41
Handled Within Dept. 92	1	0	1	0	3	3	4	4	0	2	3	0	21
Summon/Cited/Notified 93	16	17	22	22	24	10	12	9	11	20	13	6	182
Referred to Welfare Agency -- 94	1	0	0	1	0	0	2	1	0	0	0	0	5
Referred to Juvenile Court 95	16	17	24	14	20	16	20	15	17	11	24	14	208
Referred to Adult Court (City Ordinance) -- 96	1	1	0	0	0	0	0	0	1	0	0	0	3
Referred to Another Agency -- 97	0	1	0	1	1	0	2	1	0	2	1	0	9
Referred to Other Jurisdiction -- 98	0	0	0	0	0	0	0	0	0	0	0	0	0
Handled by Shift Juvenile Officers	28	10	10		18	4	20	20	17	13	23	10	173
Handled by School Liaison	5	4	11		5	0	0	1	8	9	5	5	53

Parking Enforcement
2005

PARKING STATISTIC FOR 2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
PARKING VIOLATIONS						
No Parking Light - 142	3,022	1,585	2635	4056	3542	14,840
Improper Parking - 111	223	283	94	879	626	2,105
No Parking Zone - 130	80	82	119	445	297	1,023
Time Limit Violations - 147 (9-5)	2,729	0	3132	3301	3414	12,576
Restricted Parking - 148 (8:30 - 6)	18	3,150	245	281	225	3,919
Safety Zone - 115	96	86	32	*0	*0	214
School Bus Zone - 134	2	0	0	*0	*0	2
Bus Zone - 140	7	23	33	6	3	72
Meter Violation - 104	24	0	0	285	97	406
Abandoned Vehicle - 101	93	66	76	58	69	362
Fire Lane - 139	10	12	16	66	39	143
Handicapped Parking - 107	63	84	148	217	125	637
Jury (Void)	82	0	100	470	0	652
No Registration - 150	0	1	1	*0	0	2
Fire Hydrant - 105	33	99	16	49	11	208
Improper Stop / Stand/ Parking Obstruction - 116	1	0	211	*0	*0	212
Parked During Street Cleaning - 131	2	0	0	*0	*0	2
Blocking Driveway - 118	2	0	1	*0	*0	3
No Trailers on Street	0	0	12	*0	*0	12
Motor Home More than 72 Hours	0	0	2	*0	*0	2
TOTAL	6,487	5,471	6,873	10,113	8,448	37,392
* These figures were included in Improper Parking and Abandoned Vehicle Starting 2004						
2001 - 2005 INCOME						
	2001	2002	2003	2004	2005	Total
Parking Meter Collection	\$298.70	**	**	**\$1426.08	\$727.31	\$298.70
Parking Tickets Paid	\$41,142.00	\$40,374.00	\$59,803.63	\$98,890.00	\$83,662.00	\$323,871.63
Parking Stalls Collected	\$10,334.00	\$12,451.00	\$14,056.00	\$10,099.00	\$7,605.00	\$46,940.00
Jury Payment	\$1,301.00	\$1,188.00	\$1,722.00	\$7,753.00	\$5,024.00	\$11,964.00
Flasher	\$100.00	***	***	***	***	\$100.00
MCSI	\$9,087.00	\$715.00	\$1,803.01	\$2,973.98	\$9,686.00	\$14,578.99
TOTAL	\$62,262.70	\$54,728.00	\$77,384.64	\$119,715.98	\$106,704.31	\$420,795.63
** These services were stopped in 2002 and restarted again on March 8, 2004						
***We no longer collect for this service						

Income
2005

TOTAL INCOME						
2001 - 2005						
	2001	2002	2003	2004	2005	TOTAL
Copy Money	\$7,742.81	\$7,654.00	\$6,210.00	\$4,247.00	\$5,581.00	\$31,434.81
Circuit Court	\$230,169.60	\$245,513.20	\$240,991.42	\$225,758.00	\$264,158.86	\$1,206,591.08
Reimbursement	\$68.00	\$37.78	\$219.76	\$2,527.20	\$1,859.00	\$4,711.74
Other	\$1,887.00	\$2,706.25	\$3,825.25	\$1,965.50	\$0.00	\$10,384.00
Parking Tickets	\$50,229.00	\$42,277.00	\$59,803.63	\$98,890.00	\$83,662.00	\$334,861.63
Parking Stalls	\$10,334.00	\$12,451.00	\$14,056.00	\$10,099.00	\$7,605.00	\$54,545.00
Truancy	\$2,300.00	\$1,050.00	\$0.00	\$0.00	\$0.00	\$3,350.00
DUI Surcharge	\$7,235.80	\$8,442.00	\$8,504.20	\$7,549.00	\$9,746.00	\$41,477.00
Semi Truck Violations	\$2,564.00	\$2,477.00	\$42.00	\$0.00	\$0.00	\$5,083.00
TOTAL	\$312,530.21	\$322,608.23	\$333,652.26	\$351,035.70	\$372,611.86	\$1,692,438.26

Traffic Accidents
2005

	2001	2002	2003	2004	2005	TOTAL
Hit and Run	162	171	144	136	209	822
Bicycle	17	19	15	20	13	84
Pedestrian	5	14	9	6	24	58
Total Accidents	1267	1248	1196	927	1104	5742
Percent Increase/Decrease	6%	-1%	-4%	-22%	19%	
Injuries	308	286	255	235	195	1279
Arrests	492	419	707	517	447	2582
Fatal	2	2	0	0	0	4
Broadway / Parkway				17		
Court / Valle Vista				16		
14th & Broadway				15		
Court / Parkway Dr.				15		
Court Street / Vetarans				15		
3rd and Margaret				12		
5th & Ann Eliza				11		
11th & Broadway				9		
2nd & Koch				9		
10th & Court				8		
Total Number of Accidents for 2005						
1104						



K-9 Year End Totals For 2005

Narcotics Searches	148
Finds	52
Arrests	45

Officer Safety	20
-----------------------	-----------

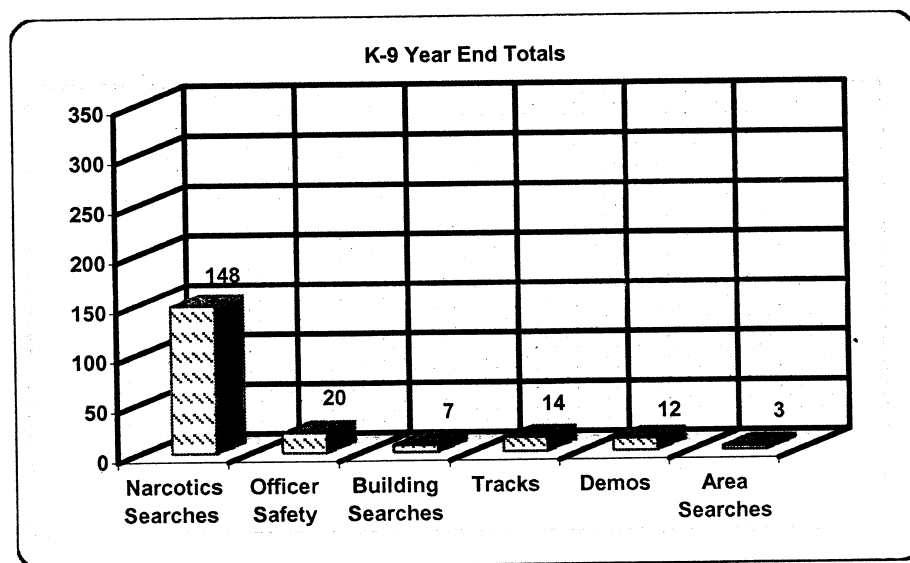
Building Searches	7
--------------------------	----------

Tracks	14
---------------	-----------

Demos	12
--------------	-----------

Area Searches	3
----------------------	----------

Total Uses for 2005	204
----------------------------	------------



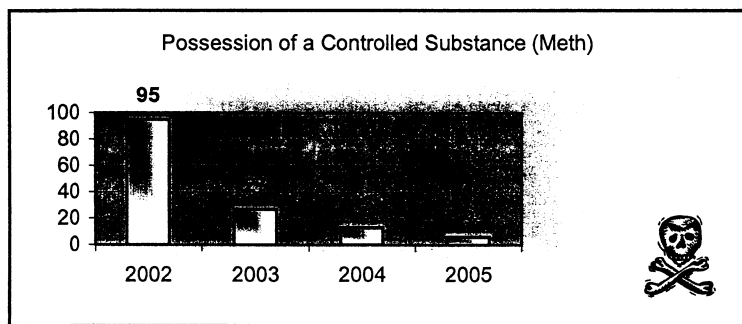
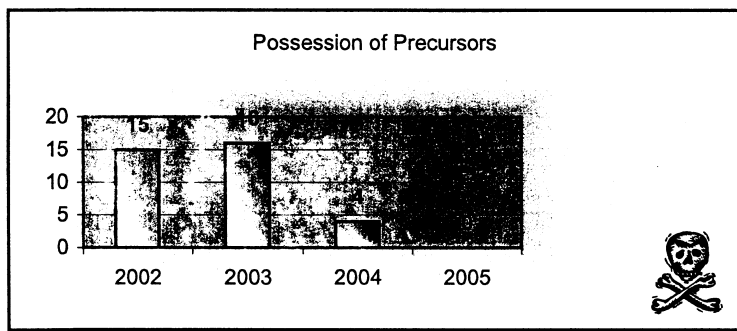
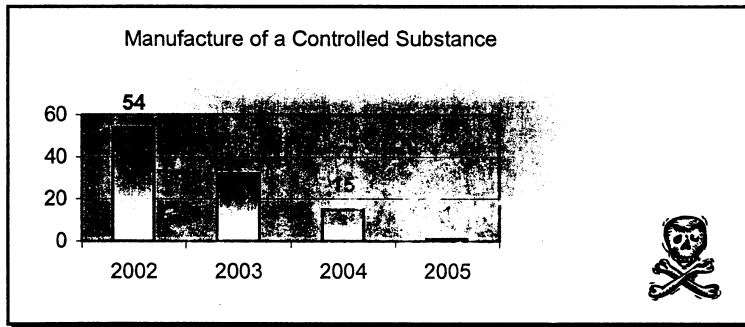
K-9 Officers
Ptm. Jeff Stolz
Ptm. Chad Hazelwood



Operation Rattlesnake

In 2005, the Federal Meth Task Force had the opportunity to view the cumulative effects of their previous three years of enforcement efforts as the illicit methamphetamine activities occurring within the confines of the City of Pekin were reduced to a mere trickle. While the Task Force indicted five federal defendants for conspiracy to manufacture methamphetamine this past year, most of these defendants were snared from historical cases operating outside the City of Pekin. The following 2005 methamphetamine statistics reflect the tremendous accomplishments of Operation Rattlesnake as they relate to the severe reduction of Meth cases in our City:

Meth Labs Incidents Discovered and Processed	42	25	11	2	-95%
Arrests	2002	2003	2004	2005	%Reduction from 2002-2005
Manufacture of a Controlled Substance	54	32	15	1	-98%
Possession of Precursors	15	16	4	0	-100%
Possession of a Controlled Substance	95	27	13	6	-94%





2005 Crime Prevention Office

Crime Prevention

The Crime Prevention Office, under the Command of the Special Services Division, has the responsibility to educate the citizens of Pekin on ways to protect themselves from being a victim of crime. This office also monitors, from police reports, trends in crime versus location, in order to assist Patrol and Investigation in curbing those activities. To help assure the unit reaches as many of the citizens as possible, the following categories are used:

- * Children
- * Family / Homeowner
- * Senior Citizen
- * Business
- * Crime Stoppers

National Night Out Against Crime

The 2005 National Night Out Against Crime was attended by approximately 1000 people. There was 30 local service agencies participating. The activities for the evening included:

- * Drop a Cop/Dunk a Fireman Dunk Tank
- * Car Bash
- * 24' Giant Slide
- * 50/50 Raffle
- * Theme Basket Raffle
- * Bike Giveaway (9 bikes)
- * Free Food & Drinks
- * Live Music

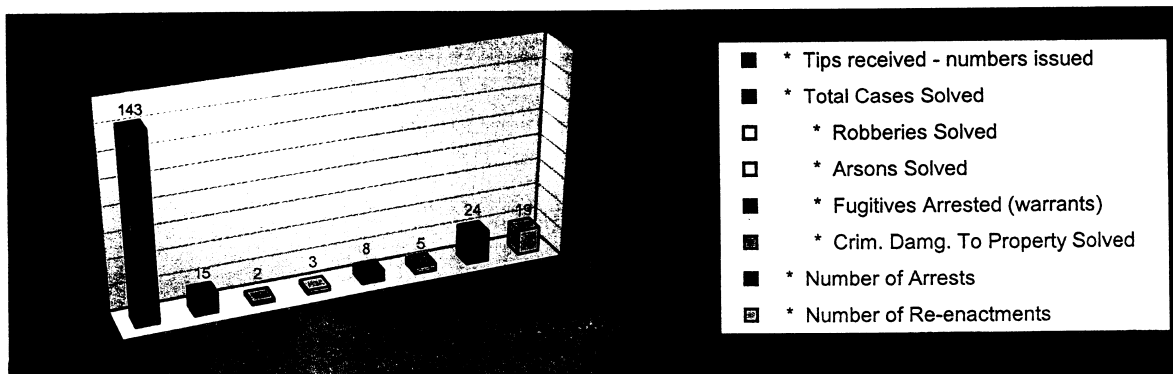
Speakers Bureau

- * Dirksen School
- * Willow School
- * St. Joseph's School
- * St. Paul Wonderland Day Care
- * Goody's
- * Bergner's
- * Pekin Library
- * Presentation to Channel 22 (Powerpoint)

Shop With A Hero: The Shop With a Hero had \$4000.00 for children this year. There were sixty children that got to participate.

Crime Stoppers: Pekin Police Department is part of the Greater Peoria Area Crime Stoppers Program. Callers remain anonymous and can give information to either the Peoria or Pekin number. Felony crime re-enactments are put on radio and television and people are given cash rewards if information they provide leads to an arrest or indictment. Crime of the Week is a major or felony crime

* Tips received - numbers issued	143
* Total Cases Solved	15
* Robberies Solved	2
* Arsons Solved	3
* Fugitives Arrested (warrants)	8
* Crim. Damg. To Property Solved	5
* Number of Arrests	24
* Number of Re-enactments	19





D.A.R.E. 2005

D.A.R.E (Drug Abuse Resistance Education) is a 10 week program that teaches 6th and 8th graders about the dangers as well as how to avoid the pressures to take drugs.

In Pekin, D.A.R.E. is taught at four schools:

- * Wilson
- * Washington
- * St. Joseph
- * Good Shepherd

There was over 466 students graduated from the D.A.R.E. program. In addition, over 150 preschoolers were given instruction on Stranger Danger.



Annual Training Summary

Pekin Police officers logged approximately 2800 hours of training in more than ten substantive areas during 2005. Officers were able to gain 700 more hours of training this year over the previous year. Some of the highlights include:

- * Two Officers completed Northwestern University's Accident Investigation I & II
- * Six Officers attended the Reid School of Interview and Interrogation
- * Four officers attended and were certified as field training officers. Three of the four officers have been activated as training officers and are participating in the training process of newly hired officers.
- * Six officers from the Special Services Unit attended Electronic Recording of Homicide Investigations.
- * Five officers attended Northwestern University's School of Police Staff and Command.
- * One officer completed requirements to certify him as a Master Firearms Instructor, through the Police Training Institute.
- * The Department's School Resource Officer completed two courses in school violence and response to violence.
- * One investigator assigned to the federal methamphetamine task force completed three different courses in narcotics identification and investigation.
- * Two investigators completed Medical Death Investigation.
- * Two officers completed training in conducting pre-employment background investigations and are now completing background investigations for both the police and fire department.
- * Three officers attended three different terrorism and WMD related courses. The Department of Homeland Security sponsored these courses. These officers are now certified to instruct on these various topics.
- * Two investigators continued training on certification as crime scene technicians through Northwestern University.

The Pekin Police Department was fortunate enough to meet all the established training goals that were set forth for 2005. The Department's training goals for 2006 mirror those of 2005 but also come with higher expectations. Our training goals for 2006 include the following:

- * Additional officers attending and completing Northwestern School of Police Staff and Command.
- * Additional officers completing Accident Investigation and continuing education of our current accident re-constructionists.
- * Training and certification of additional juvenile officers.

- * Implementation of training that allows shift level patrol officers more involvement within the agency. This training to include officers trained in asset forfeiture, sexual offender registration and elderly service officers.
- * Continued training for officers designated to completed police and fire pre-employment background investigations.
- * Continue training for first responders and school resource officers in issues of school violence and prevention.
- * Shift level training and certification of WMD incidents and response.





Pekin Auxiliary Police Unit
2005 Year End Report

The Pekin Auxiliary Police Unit found that 2005 was yet another year of change and continued dedication to the City of Pekin. The Unit has a total of eleven members.

Auxiliary Officers, Jeremy Ellis, Matthew Pentecost and Robert Johnson are now done with all their training and working the streets.

Auxiliary Officer George Meece was promoted to Sergeant this year. He will be taking over for Sergeant Carolene Miller who retired after fifteen years of service to the City. Auxiliary Officers Abby Hobbs and Jeff Stocke also retired after ten years of service to the City. Our thanks go out to these people who dedicated their time to help protect the City of Pekin.

The Unit continues to be a valuable resource to the City of Pekin through its assistance in parades, community functions and special details and most importantly as assistance to the Pekin Police Department during normal shift operations.

In the year 2005, the members of the Pekin Police Auxiliary Unit volunteered the total of **550** patrol hours and **640** extra duty hours. Patrol hours refer to the time spent with the Pekin Police Department during normal shift operations and extra duty hours refer to training, parades, meetings, community functions and special details. Combined total hours for the Unit are **1190** hours.

Goals for the Unit in 2006 are:

- 1: Increased member participations
- 2: Increase the training for the members
- 3: Adding new members to the unit

The Pekin Auxiliary Unit will continue to be an asset to the City of Pekin and the surrounding communities. The Unit takes pride in their service to the City of Pekin and appreciates the opportunity given to them to serve their community.



Pekin Police Explorer Post #400

As an Explorer, young adults have the opportunity to assist the Pekin Police Department. Explorers can broaden their understanding and firsthand knowledge of the challenges and job skills that make up their community's police service. In addition to gaining a working knowledge of police work, the participants have the opportunity to give of themselves to their community. Although Post 400 is law enforcement oriented, Explorers are volunteers and do not serve as police employees, sworn or civilian.

Explorer Post 400 had **374** hours of Meeting Hours.

Topics and Training:

- * Building Searches
- * Domestic Violence
- * Arrest Procedures
- * Report Writing
- * Traffic Stops
- * Firearm Safety
- * Drug Searches

Explorer Post 400 had **122.25** Patrol Hours

- | | |
|------------------------|----|
| * Houses Checked | 10 |
| * Houses Open Doors | 2 |
| * Houses Open Windows | 0 |
| * Schools Checked | 50 |
| * Schools Open Doors | 0 |
| * Schools Open Windows | 9 |

Explorer Post 400 had **525** Detail Hours.

Details & Conferences Worked/Attended During 2005:

Ambucs Charity Auction

PCHS Basketball

Dragon Triathlon

SBC 3 on 3 Basketball Tournament

Pekin Insurance Holiday Tournament

Derby Days

Relay for Life

Marquette Heights Fireworks

State Law Enforcement Conference Peoria

City Band Concerts

Night Out Against Crime

Traffic Detail

Cops for Kids P.cnic

Marigold Festival

Marquette Heights Spook Hollow

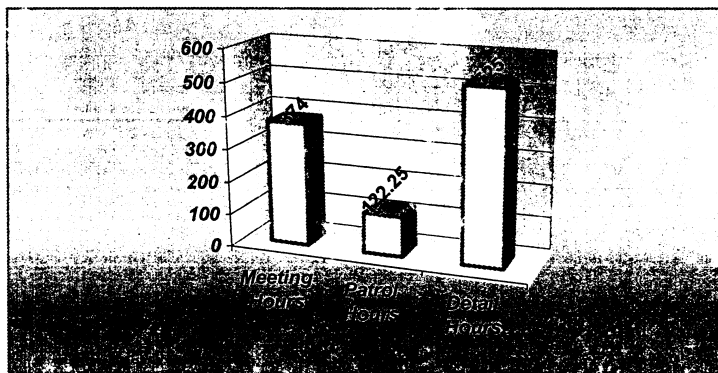
Halloween Detail

Winter Wonderland

Pekin Park 4th of July

Torch Run

Total hours for Explorer Post 400 for the year 2005 is **1021.25** hours





Citizens on Patrol

The Citizens on Patrol program (C.O.P.) was a great success again in 2005. The dedicated volunteers donated a total of **2883** hours.

Currently the C.O.P. group of volunteers is made up of 34 men and women from Pekin and the surrounding areas. The group participated in the following areas in the Police Department..

Business Alarm Complaints:	<u>180 hours</u>
Records:	<u>983 hours</u>
Vehicle Maintenance:	<u>935 hours</u>
Patrol:	<u>785 hours</u>

- * Vacation Patrols
- * Handicap Parking Patrols
- * School Checks
- * National Night Out Against Crime
- * Traffic Control
- * Escort for parades



Foundation of America

Illinois Chapter, Inc.

CENTRAL ILLINOIS BRANCH

P.O. Box 791

PEKIN, ILLINOIS

61555-0791

TELEPHONE: 309.353.4357

CHICAGO: 800.2.LUPUS.2

CIBLUPUS@NTSLINK.NET

WWW.LUPUSIL.ORG

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A Proud Member of
 Community
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Illinois
WORKING FOR A HEALTHY AMERICA

PAULA -
WHAT'S OUR PROCEDURE
FOR THESE EVENTS?
Frank

January 30, 2006

The Secretary to the Mayor
City of Pekin
Pekin, Illinois 61554

RE: 2006 Lupus Tag Day Fundraiser

Greetings,

It is that time of year again to seek permission from The City of Pekin to hold our Annual Pekin Tag Day Fundraiser.

In 2006, it will be one day and that is Friday, October 6th.

This will be our 16th year to do this event which has provided funds to help us with our work of helping lupus patients in the Pekin and surrounding areas.

Once we obtain this approval, we will get permission from Kroger's and Schnuck's to collect funds at their stores.

Thank you,

Sincerely,



Carri Miller
Secretary

December 14, 2005

Dear Mayor Mackaman,

I am writing this letter on behalf of the Pekin Girls American Youth Basketball teams for the summer of 2006. We currently have five girls AYBT teams, and we are asking to do a Tag Day to help off set our expenses. We would like to do this for 2 days on April 6th Friday night and the 7th Saturday or the weekend of April 20th Friday night and April 21 Saturday. We did this last summer to help cover the cost so that the girls have this opportunity to play basketball. AYBT is a non for profit organization.

Thank you for your help,

Holly Rademaker
1717 Holiday Dr.
Pekin, IL 61554

472-9897

McMillan, Sue

From: Gensel, Paula
Sent: Monday, December 19, 2005 4:00 PM
To: McMillan, Sue
Subject: Tag Days

Pekin Girls American Youth Basketball Tag Days
April 6th and 7th, 2006
And alternate date April 20th and 21st, 2006.

I told her to go ahead and send the letter, but she was told to call instead?

*Paula Gensel
City of Pekin
111 South Capitol
Pekin, IL 61554
309-477-2300*

12/20/2005

McMillan, Sue

From: Gensel, Paula
Sent: Thursday, January 19, 2006 1:28 PM
To: McMillan, Sue
Subject: Phone call

Holly Rademaker
472-9897

RE: sent in a Tag Day letter back in December and has not heard or rec'd anything? It was for AYBT American Youth Basketball Tournament. Please call.

*Paula Gensel
City of Pekin
111 South Capitol
Pekin, IL 61554
309-477-2300*

1/19/2006

KAY LOCK

Amvets Post 235

1426 S. 2nd St.

PeKin, IL, 61554

347-2301

White Clover

⊗ Kroger

Schnucks

Wal-Mart

K-mart

not to exclude other
businesses

MAYOR MacKAMAN
PeKin Municipal Building
111 S. Capitol St
PeKin IL 61554

MAYOR MacKAMAN:

On behalf of Amvets Post 235
PeKin, Illinois, I respectfully request
permission for fund raising events
for MARCH 17 - MARCH 18, 2006, and also
November 10 - November 11, 2006. With the
funds that are raised we do
things that aid our veterans and
other organizations, such as
assisting with boy scout projects,
House of Hope food pantry and the
Tazewell County VAC. Many needs
are met through these funds.

Our Vets have given their all.
Please allow us to give back a
little.

Respectfully,
KAY LOCK

Mark Gielarowski
107 Arrow
Pekin, Illinois 61554

February 1, 2006

Mayor Mackerman
Mayor of Pekin, IL.

Dear Sir,

Due to personal reason I regretfully resign my position as Fire and Police Commissioner for Pekin, Illinois. I thank you and the city council for this opportunity to serve the city for the last two years.

Sincerely,


Mark Gielarowski

135-05/06

RESOLUTION No. _____

February 13, 2006

PEKIN, ILLINOIS, _____

RESOLUTION BY COMMISSIONER _____

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS, THAT:

the Mayor's appointment of Michael Franks to the Fire and Police Commission to fill
the unexpired term of Mark Gielarowski for a three-year term until the first Monday
in May, 2008 is hereby approved.

1826 Valencia Place

Pekin, Illinois



SIGNED BY _____

MAYOR.

FIRE AND POLICE COMMISSION

7:30 A.M. - 1ST WEDNESDAY OF THE MONTH
CITY HALL CONFERENCE ROOM

DENNIS SHORT
2418 DELAWARE
PEKIN, ILLINOIS 61554
(309) 347-1131 (OFFICE)
DSHORT@HERGET.COM
840-0512(CELL PHONE).....TERM ENDS FIRST MONDAY IN MAY, 2006

JAMES WALLINGER
1923 DANE-KELSEY DRIVE
PEKIN, ILLINOIS 61554
267-8931 (CELL PHONE)
JWALLINGER@NTSLINK.NET
346-4712 (HOME).....TERM ENDS FIRST MONDAY IN MAY, 2007

MICHAEL FRANKS
1826 VALENCIA PLACE
PEKIN, ILLINOIS 61554
347-2177(OFFICE)
MFRANKS1@INSIGHTBB.COM
346-8167(HOME).....TERM ENDS FIRST MONDAY IN MAY, 2008

TIM GILLESPIE, POLICE CHIEF
1800 VISTA GRANDE DR.
PEKIN, ILLINOIS 61554
(309) 477-2336 (OFFICE), 267-2336 (CELL PHONE)
TMGILLESPIE@CI.PEKIN.IL.US
346-5656 (HOME)

CHUCK LAUSS, FIRE CHIEF
1811 OAKWOOD DR.
PEKIN, ILLINOIS 61554
(309) 477-2388 (OFFICE), 613-0283 (CELL PHONE)
CLAUSS@CI.PEKIN.IL.US
353-2749 (HOME), 241-7154 (PERSONAL CELL)

FIRE & POLICE COMMISSION COUNSEL & HEARING OFFICER

JOE GILFILLAN APPOINTED BY COMMISSION
(CUSACK, FLEMING, GILFILLAN & O'DAY)
124 S.W. ADAMS ST., PEORIA
637-5282 (OFFICE), 637-5788 (FAX)
JGILFILLAN@CFGOLAW.COM

MARSHA CRAVEN, RECORDING SECRETARY (477-5301)

PEKIN PUBLIC LIBRARY

FINANCIAL STATEMENTS

ILLINOIS STATE LIBRARY
ACCESSIBILITY CONSTRUCTION
GRANT

November 21, 2005

PEKIN PUBLIC LIBRARY

ILLINOIS STATE LIBRARY ACCESSIBILITY CONSTRUCTION GRANT

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Independent Auditor's Report	<u>Statement</u>
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INDEPENDENT AUDITOR'S REPORT

To the Board of Trustees
Pekin Public Library
Pekin, Illinois

We have audited the accompanying financial statements of Pekin Public Library's Construction Grant as of November 21, 2005, and for the six-month period then ended. These financial statements are the responsibility of Pekin Public Library's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As discussed in Note 1, the financial statements present only the financial activities of Pekin Public Library's Construction Grant and are not intended to present fairly the financial position and results of operations of Pekin Public Library in conformity with generally accepted accounting principles.

In our opinion, the financial statements referred to in the first paragraph present fairly, in all material respects, the financial position of Pekin Public Library's Construction Grant as of November 21, 2005, and the results of its operations for the six-month period then ended in conformity with generally accepted accounting principles.

In accordance with Government Auditing Standards, we have also issued a report dated January 23, 2006 on our consideration of Pekin Public Library's Construction Grant internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grants. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.

Willock Warning & Co., PC

Willock Warning & Co., PC
Pekin, Illinois
January 23, 2006

PEKIN PUBLIC LIBRARY
ILLINOIS STATE LIBRARY ACCESSIBILITY CONSTRUCTION GRANT
BALANCE SHEET
NOVEMBER 21, 2005

ASSETS

Amount to be paid from capital project fund	<u>\$ 39,341</u>
---	------------------

LIABILITIES AND FUND BALANCE

LIABILITIES

Accounts payable	\$ 39,341
------------------	-----------

FUND BALANCE

-

Total liabilities and fund balance	<u>\$ 39,341</u>
------------------------------------	------------------

The notes to the financial statements are an integral part of this statement.

PEKIN PUBLIC LIBRARY
ILLINOIS STATE LIBRARY ACCESSIBILITY CONSTRUCTION GRANT
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE-BUDGET AND ACTUAL
FOR THE GRANT PERIOD MAY 11, 2005 THROUGH NOVEMBER 21, 2005

	<u>Budget</u>	<u>Actual</u>	Variation Favorable (Unfavorable)
REVENUES			
Construction grant	\$ 50,000	\$ 50,000	\$ -
Capital project fund-Pekin Public Library	<u>117,512</u>	<u>113,235</u>	<u>(4,277)</u>
Total revenues	<u>167,512</u>	<u>163,235</u>	<u>(4,277)</u>
EXPENDITURES			
Architect fees	18,750	17,175	1,575
Environmental consultant	885	885	-
Asbestos abatement	1,500	1,460	40
Construction costs	141,877	141,874	3
Postage, copying and other administrative costs	-	845	(845)
Signage	250	246	4
Audit fees	750	750	-
Legal fees	500	-	500
Insurance and performance bond costs	<u>3,000</u>	<u>-</u>	<u>3,000</u>
Total expenditures	<u>167,512</u>	<u>163,235</u>	<u>4,277</u>
Excess of revenues over expenditures	<u>\$ -</u>	<u>-</u>	<u>\$ -</u>
Fund balance, beginning of period		<u>-</u>	
Fund balance, end of period		<u>\$ -</u>	

The notes to the financial statements are an integral part of this statement.

PEKIN PUBLIC LIBRARY
ILLINOIS STATE LIBRARY ACCESSIBILITY CONSTRUCTION GRANT
NOTES TO THE FINANCIAL STATEMENTS
NOVEMBER 21, 2005

NOTE 1 - SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity

The Pekin Public Library is a separate fund of the City of Pekin, Illinois. Its financial activities are reported as part of the governmental activities of the City of Pekin in its financial statements for years ended April 30. These financial statements present only the transactions involving the accessibility construction project undertaken by the Pekin Public Library and partially funded by the Illinois State Library for the period May 11, 2005 through November 21, 2005.

Basis of Accounting

The accrual basis of accounting, under which expenditures are recorded when the liability is incurred and revenues are recorded when earned regardless of the timing of related cash flows, is followed.

Accounts Payable

The accounts payable shown on the accompanying balance sheet represent vendor invoices for expenditures of the construction project paid after the date of completion.

**REPORT ON COMPLIANCE AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED
IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

To the Board of Trustees
Pekin Public Library
Pekin, Illinois

We have audited the financial statements of the Pekin Public Library's Construction Grant as of and for the period ended November 21, 2005, and have issued our report thereon dated January 23, 2006. We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Pekin Public Library's Construction Grant's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Pekin Public Library's Construction Grant's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

This report is intended solely for the information and use of the audit committee, management and the Illinois State Library and is not intended to be and should not be used by anyone other than these specified parties.

Willock Warning & Co., PC

Willock Warning & Co., PC
Pekin, Illinois
January 23, 2006

Bid Tabulation
City of Pekin
Automatic Transfer Switch
February 1, 2006
1:00 p.m.

ENGINEERS
 ARCHITECTS
 SURVEYORS
 SCIENTISTS



Bidders Name	Bid Bond	Bid
1. <i>ENERCON Engineering</i>		\$ <i>\$66,253.00</i>
2.		\$ <i>Alternate</i> <i># 68,517.00</i>
3.		\$
4.		\$
Engineer's Estimate		\$ 68,250

(initials)

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the City of Pekin, Illinois, will conduct a public hearing on February 13, 2006 at 5:30 P.M. in the City Hall Council Chambers, 111 S. Capitol, Pekin, Illinois, for the purpose of discussing the sale of the following described real estate:

Part of the Southwest Quarter of Section 23 in Pekin Edgewater Park, Section 2, Commencing at the Northwest corner of Lot 29 in Pekin Edgewater Park, Section 2 as the point of beginning of the tract to be described: From point of beginning thence South 15° 45' 25" West (bearing are for descriptive purposes only) a distance of 139.96' thence North 73° 12' 14" West a distance of 40.50' thence North 32° 53' 54" East a distance of 145.68' to the point of beginning containing 0.083 acres more or less.

Copies of the proposal to sell said real estate will be submitted and will be on file in the Office of the City Clerk and the City Clerk reserves the right to accept, modify or reject said proposal.

All persons having an interest therein may appear and be heard or may file comments concerning the proposal with the City Clerk's Office at the City Clerk's Office of the City of Pekin, Illinois.

DATED at Pekin, Illinois, February 13, 2006.

17062

CERTIFICATE OF PUBLICATION

THE PEKIN DAILY TIMES

Gregg Ratliff, Publisher

Pekin, Illinois, Jan 18, 2006

I hereby certify that I am the publisher of THE PEKIN DAILY TIMES and that the annexed notice was published 1 times in the Pekin Daily Times, a secular public newspaper of general circulation, printed and published daily, except Sunday, and legal holidays, for at least 1 year prior to the 18 day of Jan 2006 in the City of Pekin, Tazewell County, State of Illinois: that publication of said notice was made in said newspaper as follows:

the first on the 18th day of Jan 2006;
the second on the day of 20 ;
the third on the day of 20 ;
the fourth on the day of 20 ;

I further certify that the face of the type in which each publication of the said notice was made was the same as the body type used in the classified advertising in the issue of the said newspaper in which such publication was made.

I further certify that said newspaper is a newspaper as defined in 'An Act' to revise the law in relation to notices' as amended by Act approved July 17, 1959.-Ill. Revised Statutes, Chap. 100, Para. 1-10.

Gregg Ratliff

Publisher of

THE PEKIN DAILY TIMES

Publication Fee, \$ 46.50
Posters, Slips \$ 5.00
Total \$ 51.50

Sale Rt 29 Auto Row

By David Hador

TO: PEKIN DAILY TIMES

Please publish one time only, January 18, 2006, and forward statement and certificate of publication to Sue E. McMillan, City Clerk, 111 S. Capitol, Pekin, Illinois 61554.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the City of Pekin, Illinois, will conduct a public hearing on February 13, 2006 at 5:30 P.M. in the City Hall Council Chambers 111 S. Capitol, Pekin, Illinois, for the purpose of discussing the sale of the following described real estate:

Part of the Southwest Quarter of Section 23 in Pekin Edgewater Park, Section 2. Commencing at the Northwest corner of Lot 29 in Pekin Edgewater Park, Section 2 as the point of beginning of the tract to be described: From point of beginning thence South 16° 45' 25" West (bearings are for descriptive purposes only) a distance of 139.96', thence North 73° 12' 14" West a distance of 40.50', thence North 32° 53' 54" East a distance of 145.68' to the point of beginning containing 0.065 acres, more or less.

Copies of the proposal to sell said real estate will be submitted and will be on file in the Office of the City Clerk. The City reserves the right to accept, modify or reject said proposal.

All persons having an interest therein may appear to be heard or may file comments concerning the proposed sale of this property in the Office of the City Clerk.

DATED at Pekin, Illinois, January 16, 2006.



Application for Appointment to a City Commission, Board, or Committee

*The City of Pekin welcomes your interest in an appointment to a commission, board, or committee. These organizations are intended to help city government deliver high quality programs and services to the residents of our community and to our visitors. Broad community representation on these groups is crucial to their effectiveness. **You must be a City resident to serve.***

Your Name:

Your Address:

Your Telephone Number:

Your E-Mail Address:

You are interested in serving on which commission, board, or committee?

Why are you interested in serving?

What qualifications do you have to serve? A resume is not required, but if you have one please attach it to this application.

What happens next?

Your application will be evaluated by the Mayor, the City Manager, and the department head who works most closely with the commission, board, or committee. If you are selected, the Mayor will propose your appointment at a meeting of the Council subject to ratification by the Council. We will let you know of our decision before the meeting takes place.

ORDINANCE NO. 2458

**AN ORDINANCE ACCEPTING AN OFFER TO PURCHASE AND
AUTHORIZING THE SALE OF MUNICIPALLY OWNED
REAL PROPERTY WITHIN THE CITY OF PEKIN, ILLINOIS**

WHEREAS, the City of Pekin owns the following described property (the "Property"):

Part of the Southwest Quarter of Section 23 in Pekin Edgewater Park, Section 2. Commencing at the Northwest corner of Lot 29 in Pekin Edgewater Park, Section 2 as the point of beginning of the tract to be described: From point of beginning thence South 16° 45' 25" West (bearings are for descriptive purposes only) a distance of 139.96', thence North 73° 12' 14" West a distance of 40.50', thence North 32° 53' 54" East a distance of 145.68' to the point of beginning containing 0.065 acres, more or less.

Part of PIN # 04-04-23-300-007

AND WHEREAS, the City Council of the City of Pekin has determined that the above-described Property is unoccupied and not needed for or used for governmental purposes or proprietary activity and therefore, the said Property is not required for the use of, or profitable to the municipality; and

WHEREAS, pursuant to Section 1-9-5 of the City Code of the City of Pekin, notice has been given on the questions of the sale of said Property and was advertised in the Pekin Daily Times, a paper of general circulation in the City of Pekin, Pekin, Illinois, having been published on January 18, 2006; and

WHEREAS, the City of Pekin and VELDE SUPERCENTRE, INC., an Illinois corporation (Velde) have negotiated a Real Estate Sales Contract (the "Contract" attached hereto as Exhibit "A" and incorporated herein by this reference) wherein Velde is to acquire the Property for the sum of Two Thousand Eight Hundred Fifty (\$2850.00) Dollars and No Cents; and

WHEREAS, after said public hearing on February 13, 2006, the City Council found and determined it in the best interests of the City of Pekin and its residents that the City of Pekin sell the

Property and enter into the Contract with Velde pursuant to the terms and conditions of said Contract; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS:

SECTION I. That the City of Pekin finds as facts the recitals herein above set forth.

SECTION II. That the Contract attached hereto as Exhibit A and by this reference incorporated herein, for the sale and purchase of the following described Property:

Part of the Southwest Quarter of Section 23 in Pekin Edgewater Park, Section 2. Commencing at the Northwest corner of Lot 29 in Pekin Edgewater Park, Section 2 as the point of beginning of the tract to be described: From point of beginning thence South 16° 45' 25" West (bearings are for descriptive purposes only) a distance of 139.96', thence North 73° 12' 14" West a distance of 40.50', thence North 32° 53' 54" East a distance of 145.68' to the point of beginning containing 0.065 acres, more or less.

Part of PIN # 04-04-23-300-007

is hereby approved by the City of Pekin, and said Property shall be transferred to Velde in accordance with the terms of the Contract for the sum of Two Thousand Eight Hundred Fifty (\$2,850.00) Dollars and No Cents.

SECTION III. In accordance with the terms of said Contract, the Mayor of the City of Pekin, for and on behalf of the City of Pekin, is hereby authorized and directed to convey and transfer the aforesaid Property to Velde by a proper Municipal Deed, and the City Clerk is hereby authorized to acknowledge and attest such Municipal Deed and to affix thereto the seal of the City of Pekin for and on behalf of the City of Pekin.

SECTION IV. That the Mayor and City Clerk are hereby authorized, respectively, for and on behalf of the City of Pekin, to execute and attest such Contract and such other documents as may be necessary to consummate the transaction contemplated herein and in said Contract.

SECTION V. All Ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SECTION VI. That this Ordinance shall be in full force and effect from and after its passage, by a vote of at least three-fourths of the corporate authorities now holding office, and approval in the manner provided by law.

AYES:

NAYS:

ABSENT:

ABSTAINING:

PASSED in the due form of law by the City Council of the City of Pekin, Illinois, at its regular meeting held on the _____ day of _____, 2006.

MAYOR

APPROVED this _____ day of _____, 2006.

MAYOR

ATTEST:

CITY CLERK

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage and approval and publication as required by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this ____ day of _____, 2006; and upon roll call the vote was as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this ____ day of _____, 2006.

MAYOR

ATTEST:

CITY CLERK

REAL ESTATE SALE CONTRACT

This Real Estate Sale Contract "Agreement" made this _____ day of _____, 2006 between the CITY OF PEKIN, an Illinois Municipal Corporation, hereinafter referred to as "SELLER", and VELDE SUPERCENTRE, INC., an Illinois Corporation, , hereinafter referred to as "BUYER".

1. PROPERTY. (a) BUYER hereby offers to purchase from SELLER and SELLER agrees to sell to BUYER, upon the terms set forth herein, that certain parcel of real estate legally described as follows:

Part of the Southwest Quarter of Section 23 in Pekin Edgewater Park, Section 2. Commencing at the Northwest corner of Lot 29 in Pekin Edgewater Park, Section 2 as the point of beginning of the tract to be described: From point of beginning thence South 16° 45' 25" West (bearings are for descriptive purposes only) a distance of 139.96', thence North 73° 12' 14" West a distance of 40.50', thence North 32° 53' 54" East a distance of 145.68' to the point of beginning containing 0.065 acres, more or less.

Part of PIN # 04-04-23-300-007

hereafter referred to as the "Property".

2. PURCHASE PRICE. BUYER agrees to pay to SELLER the sum of Two Thousand Eight Hundred Fifty Dollars and No Cents (\$2,850.00) (the "Purchase Price") for the Property at closing. The Purchase Price, adjusted by prorations and credits allowed by this Agreement, shall be paid at closing by cashier's check or other form of payment acceptable to Seller.

3. DATE OF CLOSING AND POSSESSION. SELLER shall deliver possession of the premises to BUYER at the time of the closing of this transaction which is to be on or before February 27, 2006, unless otherwise extended by written agreement of the parties, at the offices of Elliff, Keyser, Oberle and Dancey, P.C., 109 S. 4th Street, P. O. Box 873, Pekin, Illinois 61555-0873, or at such other place and time as the parties shall agree.

4. FINANCING. This Contract is not subject to BUYER obtaining financing for this transaction.

5. EVIDENCE OF MERCHANTABLE TITLE. Within twenty-one (21) days after the date of this Agreement, SELLER will furnish BUYER with a commitment by a reputable title insurance company to issue an Owner's Policy, in the amount of the Purchase Price, depicting merchantable title to Property vested in SELLER "Title Commitment". SELLER will pay (i) all expenses incurred in connection with perfecting

title and issuing the Title Commitment, and subsequent Owner's Policy, (ii) all revenue stamps payable with respect to the transaction described in this Agreement, (iii) all costs and fees required in obtaining a City Zoning Certificate, if any, with respect to the transaction described in this Agreement, and (iv) all recording fees on instruments required to clear any defects in title.

If the title commitment discloses exceptions other than those permitted, BUYER shall give written notice of the exceptions to SELLER within a reasonable time (but not later than the closing date) to have the title exceptions removed. BUYER, notwithstanding that notice, will not be bound by any defects in title arising subsequent to the date of the Title Commitment and prior to the Closing. Permitted Title Exceptions shall include only: (a) the lien of general taxes not yet due; (b) zoning laws, building ordinances, set-back lines; (c) public utility easements of record; (d) items assumed by BUYER herein; (e) any lien which may be removed by the payment of money from the purchase price at the time of closing; (f) conditions, dedications, covenants and restrictions of record; and (g) reservation of mineral title; provided none of the foregoing exceptions are permissible if they are violated by the existing improvements or the present use of the property, or if they materially restrict the reasonable use of the property for commercial purposes. If SELLER, in response to a notice from BUYER, cannot cure prior to the Closing, or within a reasonable extension thereof granted by BUYER, in writing, the valid title objections cited by BUYER, then BUYER may (i) elect to accept such title as SELLER is capable of conveying without any reduction or abatement of the Purchase Price or (ii) declare this Agreement canceled and void.

6. DEED. At closing, SELLER shall furnish a recordable Municipal Deed concerning the above described property sufficient to convey the Property to BUYER. Said deed may refer to and incorporate the provisions of this Agreement. The real estate taxes, if any, will be prorated on the basis of the currently assessed valuation of the Property multiplied by the prevailing tax rates, and the amounts so calculated will then be applied at the closing as a credit against the Purchase Price.

7. CONDITION OF PREMISES - "AS-IS". BUYER acknowledges inspection of the Property and accepts the same in as-is condition as of the date of the BUYER's final inspection prior to the date of this Agreement.

1.

8. RPTA. SELLER warrants to the Buyer that to its knowledge the Property herein conveyed is not "real property" as defined by the Responsible Property Transfer Act of 1988, (765 ILCS 99, et seq.), and specifically does not: (a) contain one or more facilities which are subject to reporting under Section 312 of the federal emergency Planning and Community Right-to-Know Act of 1986, and federal regulations promulgated thereunder; or (b) have underground storage tanks which require notification under Section 902 of the Solid Waste Disposal Act, as now or hereafter amended (42 U.S.C. Sec. 6991).

9. ADDITIONAL SELLER'S REPRESENTATIONS. SELLER hereby

represents to BUYER as of the date hereof and as of the Closing Date, that: (a) Except for SELLER, there are no persons in possession or occupancy of the Property or any part thereof, nor are there any persons who have possessory rights in respect to the Property or any part thereof, nor are there any persons who have leasehold rights in respect to the Property or any part thereof; (b) there are no claims, causes of action or other litigation or proceedings pending or threatened with respect to the ownership or operation of the Property or any part thereof (including disputes with the holder of any mortgage, governmental authorities, utilities, contractors or adjoining land owners); and (c) SELLER has not received any notice of any violations of any Legal Requirements in respect to the Property which have not been entirely corrected. To Seller's knowledge there is no existing, pending, contemplated, threatened or anticipated (i) condemnation of any part of the Property, (ii) widening, change of grade or limitation on use of streets abutting the Property, (iii) special tax or assessment to be levied against the Property, (iv) change in the zoning classification of the Property, or (v) change in the tax assessment of the Property.

10. BROKERAGE. SELLER hereby represents and warrants to BUYER that no realtors or brokers are involved in this transaction and no fees and commissions are due to any such realtors and brokers at closing.

11. DEFAULT. If either party repudiates this Agreement, fails or is unable to perform timely or otherwise breaches any obligation under this Agreement, the non-breaching party shall serve written notice of such breach upon the other party and if such breach is not corrected within 30 calendar days after service of such notice, then the non-breaching party may pursue any remedies at law or in equity. In the event of any breach of this Agreement, the breaching party shall pay on demand the reasonable attorney's fees incurred by the non-breaching party or their agent(s) as a result of such breach, whether incurred for the purpose of negotiation, trial, appellate or other legal or support services.

12. RESPA: FIRPTA. If applicable, SELLER and BUYER agree to make all disclosures and to sign all documents necessary to allow full compliance with the provision of the Real Estate Settlement Procedures Act of 1974, as amended. The parties further agree to execute and deliver any other documents reasonably necessary to effectuate compliance with any other provisions of law required in connection with this transaction.

13. NOTICES. Notices required herein shall be considered effective when delivered in person or sent by United States Certified Mail, postage prepaid, return receipt requested and addressed to:

If to SELLER:
CITY OF PEKIN, ILLINOIS
c/o City Manager
111 S. Capitol
Pekin, Illinois 61554

With Copies To:
Mayor
City of Pekin
111 S. Capitol
Pekin, Illinois 61554
and
Elliff, Keyser, Oberle and Dancey, P.C.
109 S. Fourth Street
P.O. Box 873
Pekin, Illinois 61555-0873

If to PURCHASER:

Velde SuperCentre, Inc.
2220 N. 8th St.
Pekin IL 61554

or to such other address, and to the attention of such other person(s) or officer(s), as either party may designate by written notice.

14. ENTIRETY OF THE AGREEMENT. This contract contains the entire agreement between the parties and no oral representation, warranty or covenant exists.

15. TIME OF THE ESSENCE. The time for performance of the obligations of the parties is of the essence of this contract.

16. NO MERGER. The terms and provisions of this Real Estate Contract shall survive the delivery of the Municipal Deed, and shall not merge or be deemed to merge, into the Municipal Deed.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in multiple originals on the last date written below.

SELLER:
CITY OF PEKIN, ILLINOIS,
a municipal corporation

PURCHASER:

By: _____
Its: Mayor

VELDE SUPERCENTRE, INC.

ATTEST:

By: _____
Its: City Clerk

By: _____

Its: President

DATED: _____

DATED: _____

ORDINANCE NO. 2459

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 2
SECTION 5 OF THE CODE OF THE CITY OF
PEKIN 1995 REGARDING MOTOR FUEL TAX**

WHEREAS, the Code of the City of Pekin 1995 was adopted on April 10, 1995, and duly published in book form; and

WHEREAS, under Article VII, Section 6(a), of the Illinois Constitution of 1970, the City of Pekin is a home rule municipality, and desires to exercise its rights and powers as a home rule municipality in this matter; and

WHEREAS, the City Council has levied and imposed upon the purchase of each gallon of motor fuel a tax at the rate of (\$.04) per gallon; and

WHEREAS, the City Council has determined to promote and encourage the use of alternate fuel in vehicles as a means to improve our air quality; and

WHEREAS, the City Council believes that the exemption of the (\$.04) per gallon tax on E85 blend fuel will further that improvement; and

WHEREAS, Aventine Renewal Energy and MGP , both Pekin Companies, produce an alternate fuel; and

WHEREAS, under 415 ILCS 120/5, the General Assembly declares that it is the public policy of the State to promote and encourage the use of alternate fuel in vehicles as a means to improve air quality in the State; and

WHEREAS, the City Council supports the use of alternate fuel, specifically E-85, a blended fuel consisting of 85% ethanol and 15% gasoline; and

WHEREAS, under 415 ILCS 120/30, the Environmental Protection Agency has decided that rebates shall be issued under certain circumstances for owners of vehicles using domestic renewable fuel, one such rebate being a fuel cost differential rebate; and

WHEREAS, the City Council has determined that it is in the best interests of the City to eliminate the motor fuel tax rate of (\$.04) per gallon on the purchase of the alternate fuel, E-85.

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City Code regarding Motor Fuel Tax.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF PEKIN, ILLINOIS:**

1. That Title 3, Chapter 2, Section 5 be amended by the addition of the following definition:

E-85 Blend Fuel: A fuel consisting of 85% ethanol and 15% gasoline.

2. That Title 3, Chapter 2, Section 5 (C) be amended by adding the words “AND EXEMPTIONS” to read as follows:

C. TAX IMPOSED AND EXEMPTIONS

3. That Title 3, Chapter 2, Section 5 (C) (i) be amended by exempting the imposition of the (\$.04) tax specifically and exclusively on the retail fuel sales of E-85 fuel as follows:

C. TAX IMPOSED AND EXEMPTIONS

(i) There is levied and imposed upon the purchase of each gallon of motor fuel, or fraction thereof sold at retail within the corporate limits of the City, irrespective of the unit of measure in which it is actually sold, a tax at the rate of (\$.04) per gallon, **except on the retail sale**

of E-85, which shall be exempt from the (\$.04) per gallon tax.

The tax herein levied shall be paid in addition of any and all other taxes and charges, but such other taxes and charges shall not be construed as part of the purchase price upon which the tax herein is levied.

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage and approval and publication as required by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this ____ day of _____, 2006; and upon roll call the vote was as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this ____ day of _____, 2006.

MAYOR

ATTEST:

CITY CLERK



CITY of PEKIN
MOTOR FUEL TAX RETURN

SECTION I.

Business Name: _____ Taxpayer (EIN) Number: _____
Local Address: _____ IL Business Tax Number _____
City: _____ State: _____ (Both Required)
Zip Code: _____ Phone: _____ This return filed for the period:
Corporate Name: _____ From _____ 20__ to _____ 20__

Under penalty as provided by law, I declare that I have examined this return and accompanying schedules and to the best of my knowledge and belief it is true and correct and is taken from the books and records of the business for which this is filed. All returns must be filed on or before the last day of the calendar month succeeding the end of the filing period.

Taxpayer Printed Name and Title

Preparer's Name and Phone Number

Taxpayer Signature

Preparer's Signature

SECTION II.

Total Gross Gallons *	1a. _____
Less Gallons of E-85 Fuel *	1b. _____
TOTAL NET GALLONS SOLD	1c. _____
Motor Fuel Tax (Line 1c x \$0.04)	2. _____
Late Penalty (Line 2 x 5%)	3. _____
Late Interest (Line 2 x 2% x # of Months Delinquent)	4. _____
TOTAL TAX and CHARGES (Lines 2 + 3 + 4)	5. _____

* Attach a copy of your supporting state of Illinois Sales Tax Return(s) to this tax return. Multiple locations should also complete section III.
=====

MAKE CHECKS PAYABLE TO:

CITY of PEKIN

MAIL TO:

Department of Finance

City of Pekin

111 South Capitol Street

Pekin, IL 61554-4108

Taxpayer questions or
additional forms,
Please call (309) 477-2305

Memo

To: Commissioners

From: Joseph W. Wuellner, Public Works Director

CC: Denny Kief, Bob Reis, & Sue McMillan

Date: January 27, 2006

Re: IDOT Resolution for Improvement – 14th & Park Ave. Intersection Upgrade

We have received the results of the bidding for this project and as a result, additional funding is required. The low bid came in \$330,000 which was \$80,000 higher than the estimate. In reviewing the breakdown, it was determined that the difference is due to higher asphalt prices.

This project is designed to ease the traffic congestion at not only this intersection but also Court Street and 14th Street through the coordination of the signals. With the increase of residences to the south along 14th Street, this intersection continues to see an increase in the number of vehicles annually. It is in the best interest of the City to go forward with this project even with the increase in the cost. Therefore, I am recommending that you approve the award of this contract by the State to the low bidder.

In addition, I am requesting your approval of the Resolution for Improvement to IDOT for an additional \$65,000 from the Motor Fuel Tax fund to pay for this project. With the resolution that was approved in March 2005, Resolution #98, for \$90,750, the total committed to this project out of MFT will be \$155,750.

If you have any questions, please feel free to contact me.

Thanks,

Joe



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

January 30, 2006

RECEIVED

FEB - 1 2006

CITY CLERK

City of Pekin
Section 03-00170-00-TL
Project M-5093(114)
Job No. C-94-064-04

Sue E. McMillan
City Clerk
111 South Capitol Street
Pekin, IL 61554

Dear Ms. McMillan:

The joint agreement for the subject section was executed by the department on January 26, 2006. Your copy of the executed agreement is attached.

Sincerely,

A handwritten signature in black ink that reads "Charles J. Ingersoll".

Charles J. Ingersoll, P. E.
Engineer of Local Roads and Streets

cc-

Dennis Kief, Director of Public Works
Joseph E. Crowe, District 4 Attn: L. Scot LaSalle
Gus Sogunro
Chuck Schmitt
Roger Driskell Attn: Sunday Odele



Illinois Department of Transportation

Local Agency Agreement for Federal Participation

Local Agency City of Pekin	State Contract X	Day Labor	Local Contract	RR Force Account
Section 03-00170-00-TL	Fund Type STU	ITEP Number		

Construction		Engineering		Right-of-Way	
Job Number	Project Number	Job Number	Project Number	Job Number	Project Number
C-94-064-04	M - 5093 (114)				

This Agreement is made and entered into between the above local agency hereinafter referred to as the "LA" and the state of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LA jointly propose to improve the designated location as described below. The improvement shall be constructed in accordance with plans approved by the STATE and the STATE's policies and procedures approved and/or required by the Federal Highway Administration hereinafter referred to as "FHWA".

Location

Local Name 14th Street and Park Avenue Route FAU 6708 Length 1700 feet
Termini 14th Street from Court Street to Center Street and Park Avenue from 13th Street to Court Street

Current Jurisdiction City of Pekin Existing Str. No N/A

Project Description

Installation of traffic signals at 14th Street & Park Avenue, interconnect signals to 14th Street & Court Street signals, remove curb median on Park Avenue, and bituminous surface removal and replacement.

Division of Cost

Type of Work	FHWA	%	STATE	%	LA	%	Total
Participating Construction	175,000	(70)	()	()	75,000	(30)	250,000
Non-Participating Construction	()	()	()	()	()	()	()
Preliminary Engineering	()	()	()	()	()	()	()
Construction Engineering	()	()	()	()	()	()	()
Right of Way	()	()	()	()	()	()	()
Railroads	()	()	()	()	()	()	()
Utilities	()	()	()	()	()	()	()
TOTAL	\$ 175,000		\$		\$ 75,000		\$ 250,000

NOTE: The costs shown in the Division of Cost table are approximate and subject to change. The final LA share is dependent on the final Federal and State participation. The actual costs will be used in the final division of cost for billing and reimbursement.
If funding is not a percentage of the total, place an asterisk in the space provided for the percentage and explain above.
The Federal share of construction engineering may not exceed 15% of the Federal share of the final construction cost.

Local Agency Appropriation

By execution of this Agreement, the LA is indicating sufficient funds have been set aside to cover the local share of the project cost and additional funds will be appropriated, if required, to cover the LA's total cost.

Method of Financing (State Contract Work)

METHOD A---Lump Sum (95% of LA Obligation) _____
METHOD B--- Monthly Payments of _____
METHOD C---LA's Share \$75,000 divided by estimated total cost multiplied by actual progress payment.
(See page two for details of the above methods and the financing of Day Labor and Local Contracts)

Agreement Provisions

THE LA AGREES:

- (1) To acquire in its name, or in the name of the state if on the state highway system, all right-of-way necessary for this project in accordance with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and established state policies and procedures. Prior to advertising for bids, the LA shall certify to the STATE that all requirements of Titles II and III of said Uniform Act have been satisfied. The disposition of encroachments, if any, will be cooperatively determined by representatives of the LA, and STATE and the FHWA, if required.
- (2) To provide for all utility adjustments, and to regulate the use of the right-of-way of this improvement by utilities, public and private, in accordance with the current Utility Accommodation Policy for Local Agency Highway and Street Systems.
- (3) To provide for surveys and the preparation of plans for the proposed improvement and engineering supervision during construction of the proposed improvement.
- (4) To retain jurisdiction of the completed improvement unless specified otherwise by addendum (addendum should be accompanied by a location map). If the improvement location is currently under road district jurisdiction, an addendum is required.
- (5) To maintain or cause to be maintained, in a manner satisfactory to the STATE and FHWA, the completed improvement, or that portion of the completed improvement within its jurisdiction as established by addendum referred to in item 4 above.
- (6) To comply with all applicable Executive Orders and Federal Highway Acts pursuant to the Equal Employment Opportunity and Nondiscrimination Regulations required by the U.S. Department of Transportation.
- (7) To maintain, for a minimum of 3 years after the completion of the contract, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General and the department; and the LA agrees to cooperate fully with any audit conducted by the Auditor General and the department; and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.
- (8) To provide if required, for the improvement of any railroad-highway grade crossing and rail crossing protection within the limits of the proposed improvement;
- (9) To comply with Federal requirements or possibly lose (partial or total) Federal participation as determined by the FHWA;
- (10) (State Contracts Only) That the method of payment designated on page one will be as follows:
 - Method A - Lump Sum Payment. Upon award of the contract for this improvement, the LA will pay to the STATE, in lump sum, an amount equal to 95% of the LA's estimated obligation incurred under this Agreement, and will pay to the STATE the remainder of the LA's obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.
 - Method B - Monthly Payments. Upon award of the contract for this improvement, the LA will pay to the STATE, a specified amount each month for an estimated period of months, or until 95% of the LA's estimated obligation under the provisions of the Agreement has been paid, and will pay to the STATE the remainder of the LA's obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.
 - Method C - Progress Payments. Upon receipt of the contractor's first and subsequent progressive bills for this improvement, the LA will pay to the STATE, an amount equal to the LA's share of the construction cost divided by the estimated total cost, multiplied by the actual payment (appropriately adjusted for nonparticipating costs) made to the contractor until the entire obligation incurred under this Agreement has been paid.
- (11) (Day Labor or Local Contracts) To provide or cause to be provided all of the initial funding, equipment, labor, material and services necessary to construct the complete project.
- (12) (Preliminary Engineering) In the event that right-of-way acquisition for, or actual construction of the project for which this preliminary engineering is undertaken with Federal participation is not started by the close of the tenth fiscal year following the fiscal year in which this agreement is executed, the LA will repay the STATE any Federal funds received under the terms of this Agreement.
- (13) (Right-of-Way Acquisition) In the event that the actual construction of the project on this right-of-way is not undertaken by the close of the twentieth fiscal year following the fiscal year in which this Agreement is executed, the LA will repay the STATE any Federal Funds received under the terms of this Agreement.
- (14) (Railroad Related Work Only) The estimates and general layout plans for at-grade crossing improvements should be forwarded to the Rail Safety and Project Engineer, Room 204, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois, 62764. Approval of the estimates and general layout plans should be obtained prior to the commencement of railroad related work. All railroad related work is also subject to approval by the Illinois Commerce Commission (ICC). Final inspection for railroad related work should be coordinated through appropriate IDOT District Bureau of Local Roads and Streets office. Plans and preemption times for signal related work that will be interconnected with traffic signals shall be submitted to the ICC for review and approval prior to the commencement of work. Signal related work involving interconnects with state maintained traffic signals should also be coordinated with the IDOT's District Bureau of Operations.

The LA is responsible for the payment of the railroad related expenses in accordance with the LA/railroad agreement prior to requesting reimbursement from IDOT. Requests for reimbursement should be sent to the appropriate IDOT District Bureau of Local Roads and Streets office.

Engineer's Payment Estimates in accordance with the Division of Cost on page one.

- (15) And certifies to the best of its knowledge and belief its officials:
- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements receiving stolen property;
 - (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, local) with commission of any of the offenses enumerated in item (b) of this certification; and
 - (d) have not within a three-year period preceding the Agreement had one or more public transactions (Federal, State, local) terminated for cause or default.
- (16) To include the certifications, listed in item 15 above and all other certifications required by State statutes, in every contract, including procurement of materials and leases of equipment.
- (17) (State Contracts) That execution of this agreement constitutes the LA's concurrence in the award of the construction contract to the responsible low bidder as determined by the STATE.
- (18) That for agreements exceeding \$100,000 in federal funds, execution of this Agreement constitutes the LA's certification that:
- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
 - (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress, in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
 - (c) The LA shall require that the language of this certification be included in the award documents for all subawards at all times (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- (19) To regulate parking and traffic in accordance with the approved project report.
- (20) To regulate encroachments on public right-of-way in accordance with current Illinois Compiled Statutes.
- (21) To regulate the discharge of sanitary sewage into any storm water drainage system constructed with this improvement in accordance with current Illinois Compiled Statutes.
- (22) That the LA may invoice the STATE monthly for the FHWA and/or STATE share of the costs incurred for this phase of the improvement. The LA will submit supporting documentation with each request for reimbursement from the STATE. Supporting documentation is defined as verification of payment, certified time sheets, vendor invoices, vendor receipts, and other documentation supporting the requested reimbursement amount.
- (23) To complete this phase of the project within three years from the date this agreement is approved by the STATE if this portion of the project described in the Project Description does not exceed \$1,000,000 (five years if the project costs exceed \$1,000,000).
- (24) Upon completion of this phase of the improvement, the LA will submit to the STATE a complete and detailed final invoice with all applicable supporting supporting documentation of all incurred costs, less previous payments, no later than one year from the date of completion of this phase of the improvement. If a final invoice is not received within one year of completion of this phase of the improvement, the most recent invoice may be considered the final invoice and the obligation of the funds closed.

THE STATE AGREES:

- (1) To provide such guidance, assistance and supervision and to monitor and perform audits to the extent necessary to assure validity of the LA's certification of compliance with Titles II and III requirements.
- (2) (State Contracts) To receive bids for the construction of the proposed improvement when the plans have been approved by the STATE (and FHWA, if required) and to award a contract for construction of the proposed improvement, after receipt of a satisfactory bid.
- (3) (Day Labor) To authorize the LA to proceed with the construction of the improvement when Agreed Unit Prices are approved and to reimburse the LA for that portion of the cost payable from Federal and/or State funds based on the Agreed Unit Prices and Engineer's Payment Estimates in accordance with the Division of Cost on page one.

- (4) (Local Contracts) That for agreements with Federal and/or State funds in engineering, right-of-way, utility work and/or construction work:
- (a) To reimburse the LA for the Federal and/or State share on the basis of periodic billings, provided said billings contain sufficient cost information and show evidence of payment by the LA.
 - (b) To provide independent assurance sampling, to furnish off-site material inspection and testing at sources normally visited by STATE inspectors of steel, cement, aggregate, structural steel and other materials customarily tested by the STATE.

IT IS MUTUALLY AGREED:

- (1) That this Agreement and the covenants contained herein shall become null and void in the event that the FHWA does not approve the proposed improvement for Federal-aid participation or the contract covering the construction work contemplated herein is not awarded within three years of the date of execution of this Agreement.
- (2) This Agreement shall be binding upon the parties, their successors and assigns.
- (3) For contracts awarded by the LA, the LA shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any USDOT – assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The LA shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT – assisted contracts. The LA's DBE program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31U.S.C. 3801 et seq.). In the absence of a USDOT – approved LA DBE Program or on State awarded contracts, this Agreement shall be administered under the provisions of the STATE's USDOT approved Disadvantaged Business Enterprise Program.
- (4) In cases where the STATE is reimbursing the LA, obligations of the STATE shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or applicable Federal Funding source fails to appropriate or otherwise make available funds for the work contemplated herein.
- (5) All projects for the construction of fixed works which are financed in whole or in part with funds provided by this Agreement and/or amendment shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.) unless the provisions of that Act exempt its application.

ADDENDA

Additional information and/or stipulations are hereby attached and identified below as being a part of this Agreement.

Number 1 Location Map

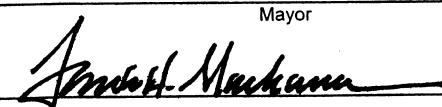
(Insert addendum numbers and titles as applicable)

The LA further agrees, as a condition of payment, that it accepts and will comply with the applicable provisions set forth in this Agreement and all addenda indicated above.

APPROVED

Name Frank Mackaman

Title Mayor City of Pekin
Mayor

Signature 

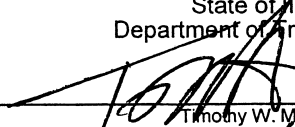
Date Dec 21, 2005

TIN Number E-9993-0854-03

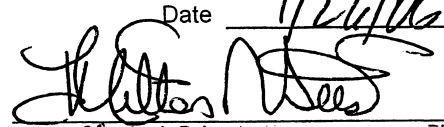
NOTE: If signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.

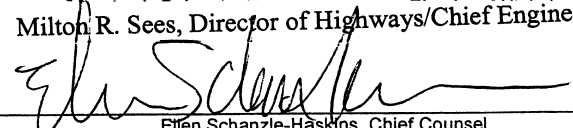
APPROVED

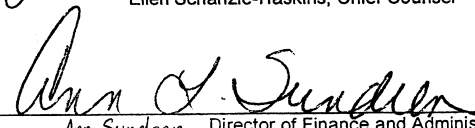
State of Illinois
Department of Transportation

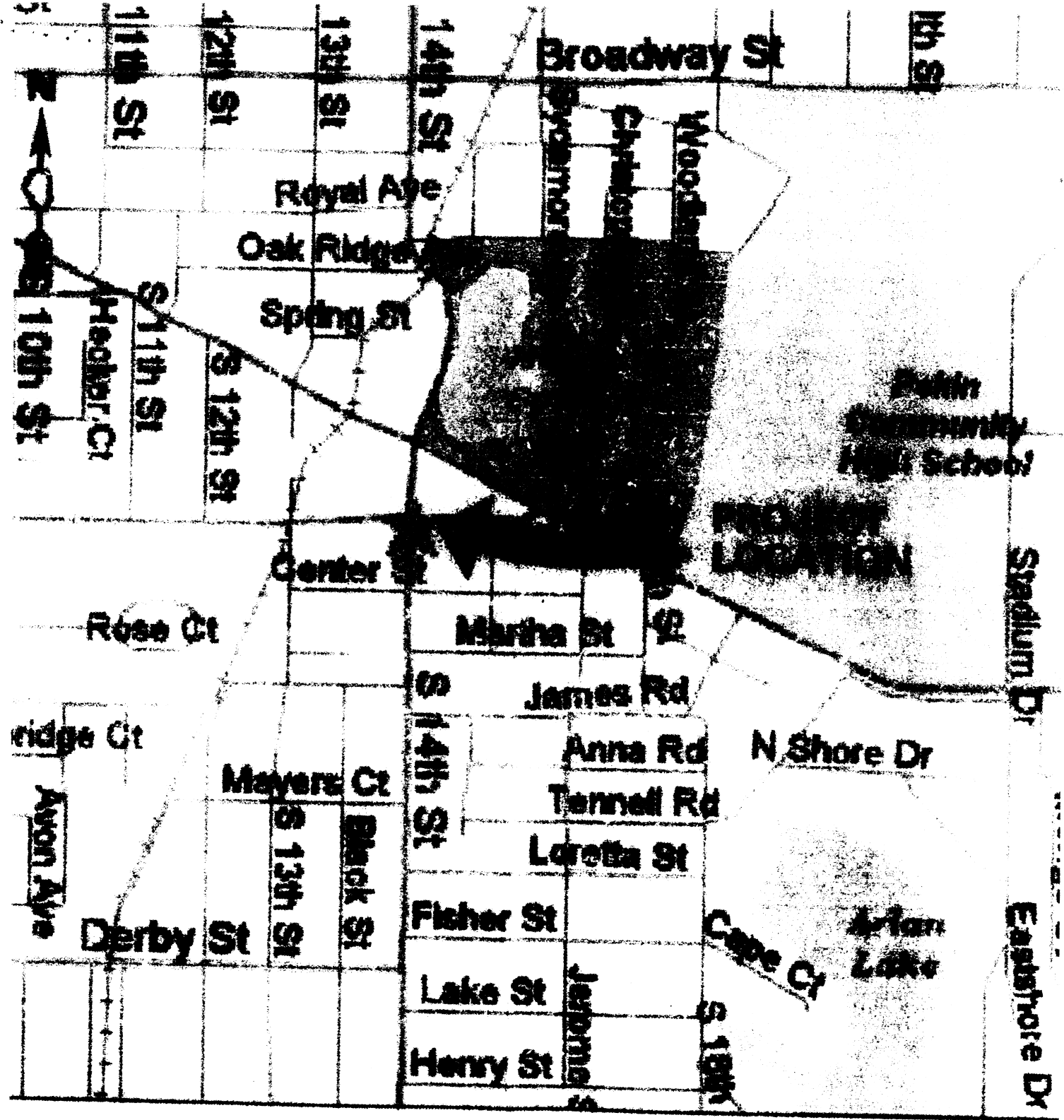

Timothy W. Martin, Secretary

Date 1/24/06


Milton R. Sees, Director of Highways/Chief Engineer


Ellen Schanzle-Haskins, Chief Counsel


Ann Sundeen, Director of Finance and Administration



Broadway St

10th St

14th St

13th St

12th St

11th St

Royal Ave

Oak Ridge

Spring St

Bydarnor

Chatham

Woodman

Bolin Community High School

PROPOSED LOCATION

Center St

Martha St

James Rd

Anna Rd

Tennell Rd

Loretta St

N Shore Dr

Mayers Ct

Black St

13th St

Fisher St

Lake St

Henry St

James

Cape Cr

Arion Lake

Stadium Dr

Eastshore Dr

Derby St

Ridge Ct

Avon Ave

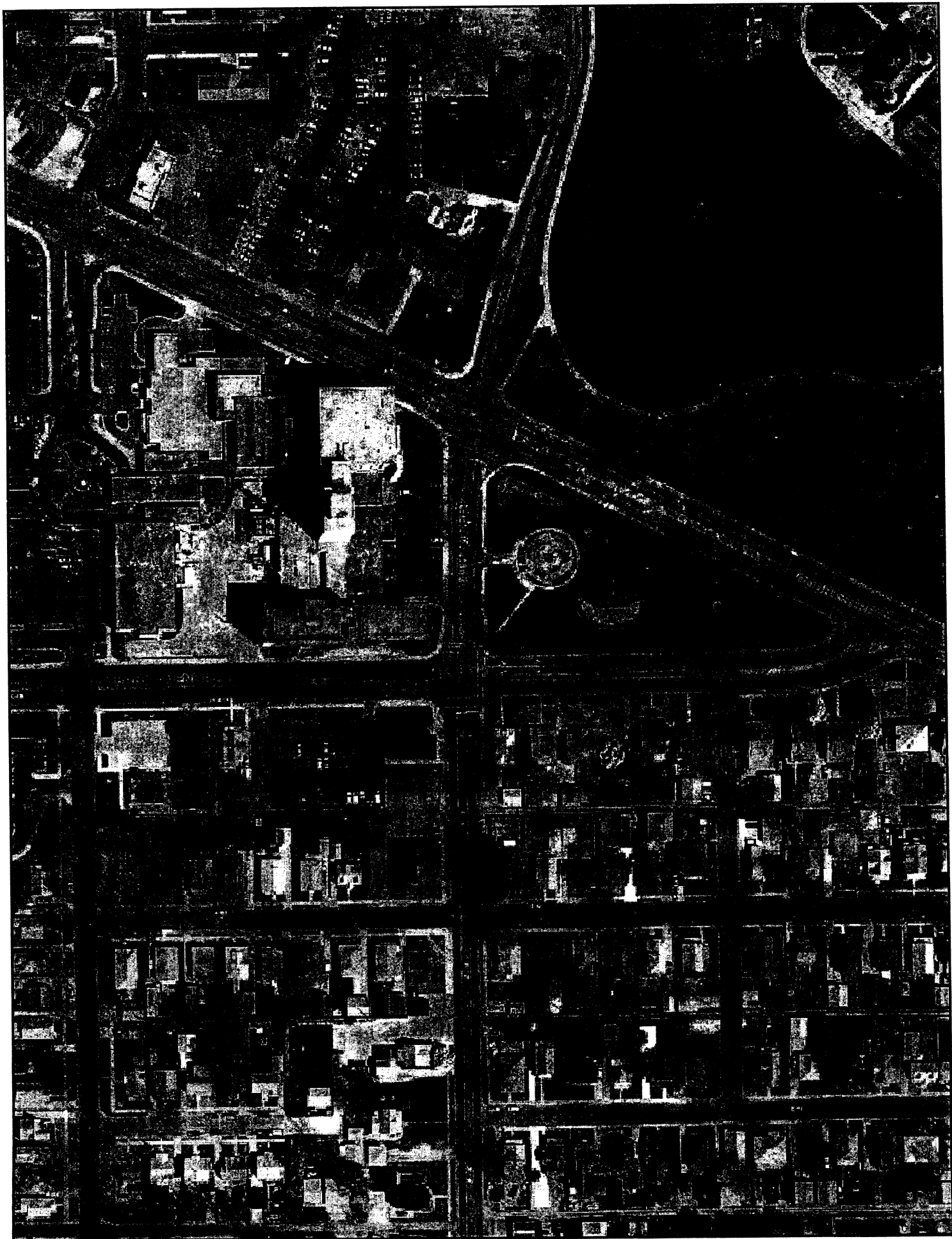
Hecker Ct

11th St

12th St

10th St





[illegible]

PC STA. 27+22.45

PCIN MEMORIAL HOSPITAL

28+00

29+00

30+00

PI STA. 30+00.00

PROJ. CURVE 141ft. A
PI STA. = 28+46.17
Δ = 9° 04' 28" 61th
R = 1,750.00
T = 136.87
L = 271.37
E = 5.50'

MINERAL SPRINGS PARK

COUNT OF 1/4 IN. SCALE

PLAN NORTH

ELEMENTS CONTROLLING DESIGN

- DESIGN ORIGINATOR - FALL RIVER WITH SIX LANE BRIDGE, 11200 AMT
- DESIGN ENGINEER - FALL RIVER ENGINEERS - IS THE PREPARED DRAFT
- APPROVED YEAR OF CONSTRUCTION - 2006
- DESIGN SPEED - 35 MPH
- DESIGN VEHICLE - 1985 LIGHT SIX AXLE TRUCK
- TRAFFIC SIGNAL - 100% TRAFFIC CONTROL
- ADDITIONAL RIS UTILIZED IN THE DESIGN OF THIS INTERSECTION

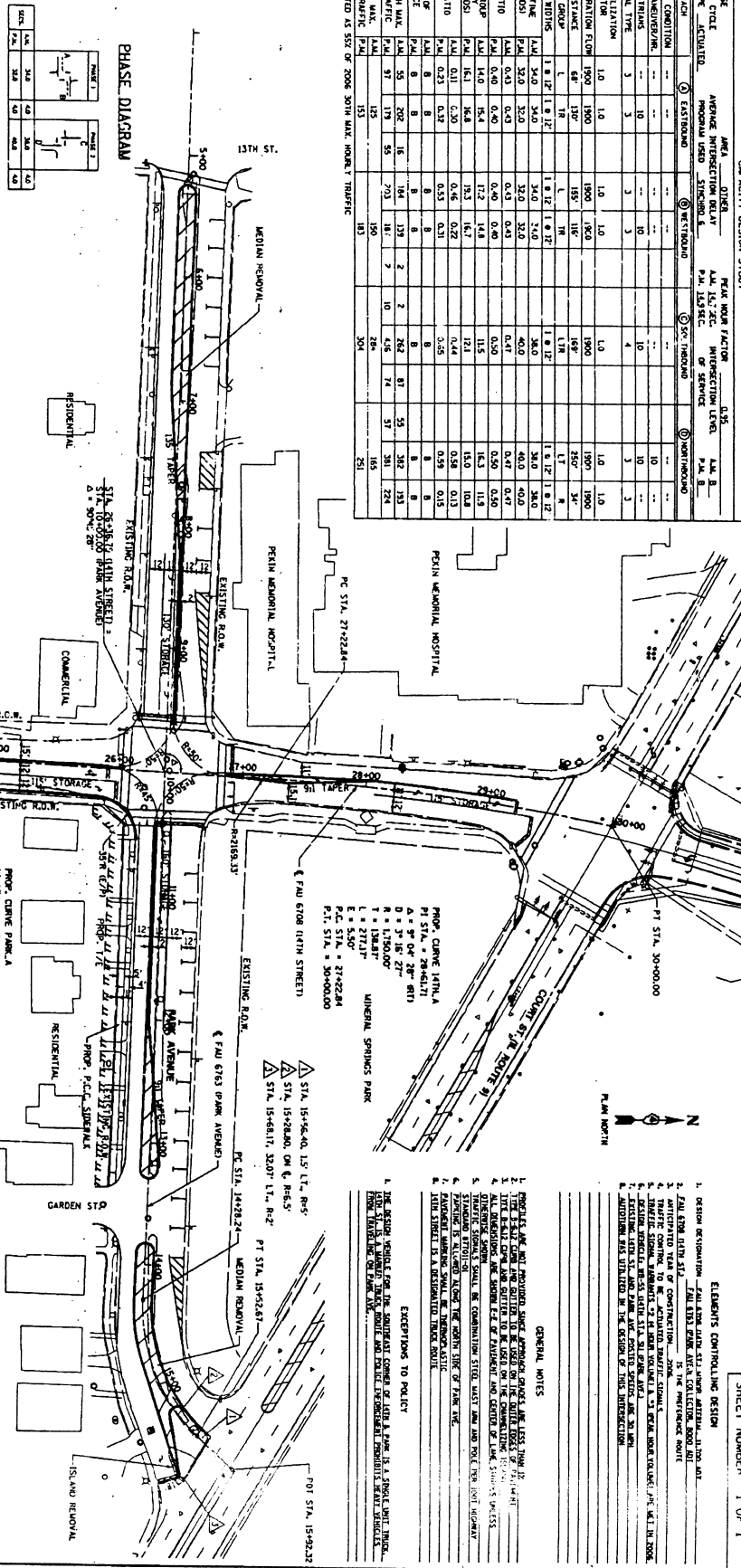
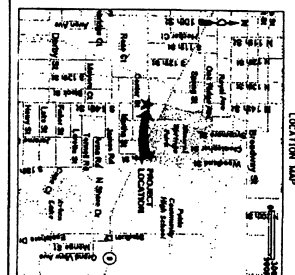
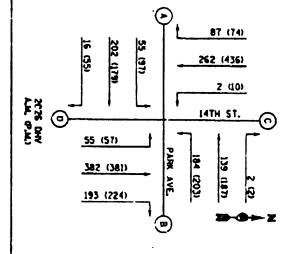
GENERAL NOTES

- PROTECTIVE AND NOT PROVIDED SHIELD APPROXIMATELY 100 FEET LONG AT
- THE BRIDGE ENDS
- ALL DIMENSIONS ARE SHOWN E.C. OF PAVEMENT AND CENTER OF ROAD
- TRAFFIC SIGNAL SHALL BE COMBINATION SIGNAL WEST AND EAST TURN RIGHT UPWARD
- STANDARD STOP SIGN
- PAVEMENT MARKINGS SHALL BE STANDARD TYPE
- THE BRIDGE IS A SUSPENSION TRUSS BRIDGE

EXCEPTIONS TO POLICY

- THE DESIGN WAS FOR THE SOUTHWEST CORNER OF LANE 1 FROM A SINGLE LANE TRUCK
- THE LANE 1 WAS A SINGLE LANE TRUCK AND THE TRUCK APPROXIMATELY 100 FEET LONG
- THE BRIDGE IS A SUSPENSION TRUSS BRIDGE

SHEET NUMBER 1 OF 1

[illegible]

INTERSECTION DESIGN STUDY

FILE NUMBER 8008
FILE NUMBER 8008
FILE NUMBER 8008

SECTION 1-1-10
SECTION 1-1-10
SECTION 1-1-10

DATE 1-1-10
DATE 1-1-10
DATE 1-1-10

DESIGNED BY CHC, INC.
DESIGNED BY CHC, INC.
DESIGNED BY CHC, INC.

SALES/ACTIVITY 3-25-08
SALES/ACTIVITY 3-25-08
SALES/ACTIVITY 3-25-08

SALES/ACTIVITY 3-25-08
SALES/ACTIVITY 3-25-08
SALES/ACTIVITY 3-25-08

APPROVED 1-1-10
APPROVED 1-1-10
APPROVED 1-1-10

DATE 1-1-10
DATE 1-1-10
DATE 1-1-10

McMillan, Sue

From: Wuellner, Joe
Sent: Monday, January 30, 2006 5:07 PM
To: Commissioners
Cc: Kief, Denny; McMillan, Sue; Reis, Bob
Subject: 14th & Park Ave.

IDOT has requested a letter stating that we still want to do the project even though the bids were high. Attached is the letter that I have sent them to hopefully start the award process. I have advised them that you have to approve the project at the bid cost and additional funding that it will take and that the next meeting is not until February 13th. If anything else happens on this issue, I will keep you informed.

Thanks,
Joe Wuellner, P.E.
Public Works Director
City Of Pekin

Note: any personal (non-city-business) e-mail messages should be sent to my personal e-mail address <mailto:jwwuel@yahoo.com>



ltr idot accept
bid.doc



Public Works Department

January 30, 2006

Mr. Joseph Crowe, P.E.
IL Dept. of Transportation
401 Main Street
Peoria, IL 61602-111

Subject: 14th Street and Park Avenue Project
Section: 03-00170-00-TL
Project: M-5093 (114)

Re: Acceptance of Bid

Dear Mr. Crowe:

We have been advised that all the bids received on January 20th for the above referenced project came in well over the estimate. Because of the importance to improving traffic flow through this intersection, we would like to accept the low bid.

This issue has been explained to the Pekin City Council members in a memo and they are scheduled to act upon it at their next regular meeting on February 13, 2006. If possible, please proceed with the award process with the actual award notification to be made after final concurrence of the City Council.

If you have any further questions or require additional information, please do not hesitate to contact this office.

Sincerely,

Joseph W. Wuellner PE

Cc: Dennis Kief, City Manager
File



**Illinois Department
of Transportation**

RESOLUTION 136-05/06
Resolution for Improvement by
Municipality Under the Illinois
Highway Code

BE IT RESOLVED, by the City Council of the
City Pekin of Pekin Illinois
City, Town or Village
that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
Intersection of S 14th St.	FAU 6708		
and Park Avenue	FAU 6773		

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Reconfiguration of the intersection and installation of
traffic control signals to improve traffic flow and safety at this intersection.

and shall be constructed _____ wide
and be designated as Section 030017000TL

2. That there is hereby appropriated the (additional ☒ Yes ☐ No) sum of sixty-five thousand dollars
bringing the total to \$155,750 for this project. _____ Dollars (\$65,000.00) for the
improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract ; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the
district office of the Department of Transportation. _____
Specify Contract or Day Labor

Authorized MFT Expenditure

Date

Department of Transportation

Regional Engineer

I, Sue McMillan Clerk in and for the

City Pekin of Pekin

City, Town or Village

County of Tazewell , hereby certify the

foregoing to be a true, perfect and complete copy of a resolution adopted

by the City Council

Council or President and Board of Trustees

at a meeting on February 13, 2006

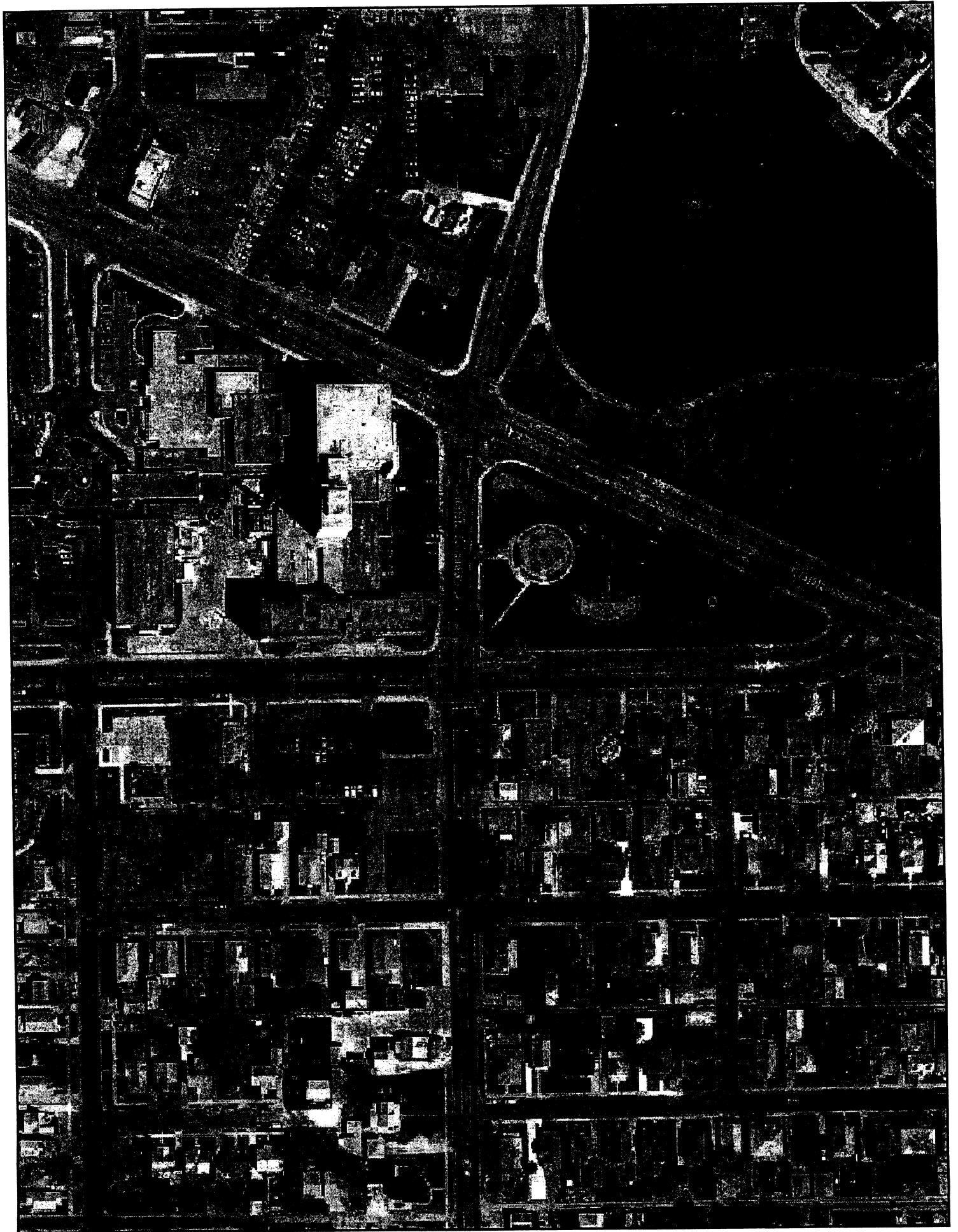
Date

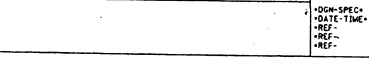
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this

13th day of February, 2006

(SEAL)

City, Town, or Village Clerk



[illegible][illegible]

Memo

To: Commissioners
From: Joseph W. Wuellner, Public Works Director
CC: Denny Kief & Sue McMillan
Date: February 3, 2006
Re: Engineering Agreement for Broadway – Parkway Intersection

We have received and reviewed a proposal from Maurer-Stutz, Inc. to provide the engineering services for the redesign of the intersection at Broadway and Parkway. This project is being built with a combination of both PPUATS (\$350,000) and IDOT Hazard Elimination Safety (\$342,500) funds at different ratios. The estimate for this project in 2004 was about \$1,000,000.

The cost from Maurer-Stutz to perform these services is \$37,100. These costs include preparation of all construction drawings, right of way plats, estimates, and specifications. We are presently looking to have this job ready to bid by early next year depending on right of way acquisition.

In conjunction with this approval, there is a resolution to assign Motor Fuel Tax (MFT) funds to cover this cost that I am requesting your approval on also.

This project is being built to improve traffic flow through this intersection. With the project to widen Broadway from Veterans Drive into town, this improvement is necessary to facilitate the increase in vehicles that will utilize this intersection.

If you have any questions, please feel free to contact me.

Thanks,

Joe

**MAURER & STUTZ, INC.****ENGINEERS****SURVEYORS**7615 North Harker Dr.
Peoria, IL 61615TEL 309-693-7615
FAX 309-693-7616PROJECT: Intersection of Parkway and BroadwayPROJECT NO.: 231-00021BY: RJADATE: January 31, 2006

LETTER OF TRANSMITTAL

TO: Mr. Joe Wuellner, Public Works DirectorCity of Pekin111 South Capitol StreetPekin, IL 61554SUBJECT: Supplemental AgreementSec.: 00-00164-00-SP

ATTENTION: _____

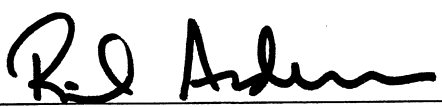
TRANSMITTING: ☒ Herewith
☐ Under Separate CoverBY: Messenger _____
Mail ☒ _____
UPS _____ENCLOSED: _____ Prints
_____ Specifications
_____ Shop Drawings
_____ Copies
☒ OtherFOR: Approval _____
Your Files _____
Your Signature ☒ _____
Distribution ☒ _____
Per Your Request _____

COPIES:	DESCRIPTION:
5	Supplemental Preliminary Engineering Agreement for Redesign of Parkway/Broadway

REMARKS:

Joe,
Enclosed are five signed copies of the Preliminary Engineering Agreement for Motor Fuel Tax Funds for the design changes to the intersection of Parkway and Broadway. Four copies should be sent to IDOT after the agreement is signed and sealed. The fifth copy is for your files. As you know, the Resolution (IDOT Form BLR09111) and the Request for Expenditure (IDOT Form BLR09150) will need to be prepared and submitted along with this agreement. If you would prefer that our firm prepare either or both of these forms, please give us a call.

Thank you,

FROM: Rick J. Anderson, P.E.
Senior Project Manager

Municipality City of Pekin	LOCAL AGENCY	 Illinois Department of Transportation SUPPLEMENTAL Preliminary Engineering Services Agreement For Motor Fuel Tax Funds	CONSULTANT	Name Maurer-Stutz, Inc.
Township				Address 7615 N. Harker Drive
County Tazewell				City Peoria, IL
Section 00-00164-00-SP				State Illinois, 61615

THIS AGREEMENT is made and entered into this _____ day of _____, 2006 between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the improvement of the above SECTION. Motor Fuel Tax Funds, allotted to the LA by the State of Illinois under the general supervision of the State Department of Transportation, hereinafter called the "DEPARTMENT", will be used entirely or in part to finance ENGINEERING services as described under AGREEMENT PROVISIONS.

Section Description

Name Intersection of Broadway Street and Parkway Drive

Route FAU 6761 Length 0.75 Mi. _____ FT (Structure No. _____)

Termini Approximately 1000' in each direction from the intersection

Description:

Redesign intersection to match currently available construction dollars. Prepare new Construction Plans, Specifications and Estimates. Also prepare Right of Way and Easement Plats.

Agreement Provisions

The Engineer Agrees,

1. To perform or be responsible for the performance of the following engineering services for the LA, in connection with the proposed improvements herein before described, and checked below:
 - a. ☐ Make such detailed surveys as are necessary for the preparation of detailed roadway plans
 - b. ☐ Make stream and flood plain hydraulic surveys and gather high water data, and flood histories for the preparation of detailed bridge plans.
 - c. ☐ Make or cause to be made such soil surveys or subsurface investigations including borings and soil profiles and analyses thereof as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations are to be made in accordance with the current requirements of the DEPARTMENT.
 - d. ☐ Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
 - e. ☐ Prepare Army Corps of Engineers Permit, Department of Natural Resources-Office of Water Resources Permit, Bridge waterway sketch, and/or Channel Change sketch, Utility plan and locations, and Railroad Crossing work agreements.
 - f. ☐ Prepare Preliminary Bridge design and Hydraulic Report, (including economic analysis of bridge or culvert types) and high water effects on roadway overflows and bridge approaches.
 - g. ☒ Make complete general and detailed plans, special provisions, proposals and estimates of cost and furnish the LA with five (5) copies of the plans, special provisions, proposals and estimates. Additional copies of any or all documents, if required, shall be furnished to the LA by the ENGINEER at his actual cost for reproduction.
 - h. ☒ Furnish the LA with survey and drafts in quadruplicate of all necessary right-of-way dedications, construction easement and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

Note: Four copies to be submitted to the Regional Engineer

- i. ☐ Assist the LA in the tabulation and interpretation of the contractors' proposals
 - j. ☐ Prepare the necessary environmental documents in accordance with the procedures adopted by the DEPARTMENT's Bureau of Local Roads & Streets.
 - k. ☐ Prepare the Project Development Report when required by the DEPARTMENT.
- (2) That all reports, plans, plats and special provisions to be furnished by the ENGINEER pursuant to the AGREEMENT, will be in accordance with current standard specifications and policies of the DEPARTMENT. It is being understood that all such reports, plans and drafts shall, before being finally accepted, be subject to approval by the LA and the DEPARTMENT.
 - (3) To attend conferences at any reasonable time when requested to do so by representatives of the LA or the Department.
 - (4) In the event plans or surveys are found to be in error during construction of the SECTION and revisions of the plans or survey corrections are necessary, the ENGINEER agrees that he will perform such work without expense to the LA, even though final payment has been received by him. He shall give immediate attention to these changes so there will be a minimum delay to the Contractor.
 - (5) That basic survey notes and sketches, charts, computations and other data prepared or obtained by the Engineer pursuant to this AGREEMENT will be made available, upon request, to the LA or the DEPARTMENT without cost and without restriction or limitations as to their use.
 - (6) That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by him and will show his professional seal where such is required by law.

The LA Agrees,

1. To pay the ENGINEER as compensation for all services performed as stipulated in paragraphs 1a, 1g, 1i, 2, 3, 5 and 6 in accordance with one of the following methods indicated by a check mark:
 - a. ☒ A sum of money equal to * _____ percent of the awarded contract cost of the proposed improvement as approved by the DEPARTMENT. * Cost Plus with a max. payable of \$37,100 in accordance with Item 2 below.
 - b. ☐ A sum of money equal to the percent of the awarded contract cost for the proposed improvement as approved by the DEPARTMENT based on the following schedule:

Schedule for Percentages Based on Awarded Contract Cost

Awarded Cost	Percentage Fees	(see note)
Under \$50,000	_____	%
	_____	%
	_____	%
	_____	%
	_____	%

Note: Not necessarily a percentage. Could use per diem, cost-plus or lump sum.

2. To pay for services stipulated in paragraphs 1b, 1c, 1d, 1e, 1f, 1h, 1j & 1k of the ENGINEER AGREES at actual cost of performing such work plus 185 percent to cover profit, overhead and readiness to serve - "actual cost" being defined as material cost plus payrolls, insurance, social security and retirement deductions. Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost. Subject to the approval of the LA, the ENGINEER may sublet all or part of the services provided under the paragraph 1b, 1c, 1d, 1e, 1f, 1h, 1j & 1k. If the ENGINEER sublets all or part of this work, the LA will pay the cost to the ENGINEER plus a five (5) percent service charge.

"Cost to Engineer" to be verified by furnishing the LA and the DEPARTMENT copies of invoices from the party doing the work. The classifications of the employees used in the work should be consistent with the employee classifications for the services performed. If the personnel of the firm, including the Principal Engineer, perform routine services that should normally be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the work performed.

3. That payments due the ENGINEER for services rendered in accordance with this AGREEMENT will be made as soon as practicable after the services have been performed in accordance with the following schedule:
 - a. Upon completion of detailed plans, special provisions, proposals and estimate of cost - being the work required by paragraphs 1a through 1g under THE ENGINEER AGREES - to the satisfaction of the LA and their approval by the DEPARTMENT, 90 percent of the total fee due under this AGREEMENT based on the approved estimate of cost.
 - b. Upon award of the contract for the improvement by the LA and its approval by the DEPARTMENT, 100 percent of the total fee due under the AGREEMENT based on the awarded contract cost, less any amounts paid under "a" above.

By Mutual agreement, partial payments, not to exceed 90 percent of the amount earned, may be made from time to time as the work progresses.

4. That, should the improvement be abandoned at any time after the ENGINEER has performed any part of the services provided for in paragraphs 1a, through 1h and prior to the completion of such services, the LA shall reimburse the ENGINEER for his actual costs plus 185 percent incurred up to the time he is notified in writing of such abandonment - "actual cost" being defined as in paragraph 2 of THE LA AGREES.
5. That, should the LA require changes in any of the detailed plans, specifications or estimates except for those required pursuant to paragraph 4 of THE ENGINEER AGREES, after they have been approved by the DEPARTMENT, the LA will pay the ENGINEER for such changes on the basis of actual cost plus 185 percent to cover profit, overhead and readiness to serve - "actual cost" being defined as in paragraph 2 of THE LA AGREES. It is understood that "changes" as used in this paragraph shall in no way relieve the ENGINEER of his responsibility to prepare a complete and adequate set of plans and specifications.

It is Mutually Agreed,

1. That any difference between the ENGINEER and the LA concerning their interpretation of the provisions of this Agreement shall be referred to a committee of disinterested parties consisting of one member appointed by the ENGINEER, one member appointed by the LA and a third member appointed by the two other members for disposition and that the committee's decision shall be final.
2. This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at his last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all surveys, permits, agreements, preliminary bridge design & hydraulic report, drawings, specifications, partial and completed estimates and data, if any from traffic studies and soil survey and subsurface investigations with the understanding that all such material becomes the property of the LA. The ENGINEER shall be paid for any services completed and any services partially completed in accordance with Section 4 of THE LA AGREES.
3. That if the contract for construction has not been awarded one year after the acceptance of the plans by the LA and their approval by the DEPARTMENT, the LA will pay the ENGINEER the balance of the engineering fee due to make 100 percent of the total fees due under this AGREEMENT, based on the estimate of cost as prepared by the ENGINEER and approved by the LA and the DEPARTMENT.
4. That the ENGINEER warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the ENGINEER, to solicit or secure this contract, and that he/she has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the ENGINEER, any fee, commission, percentage, brokerage fee, gifts or any other consideration, contingent upon or resulting from the award or making of this contract. For Breach or violation of this warranty the LA shall have the right to annul this contract without liability.

IN WITNESS WHEREOF, the parties have caused the AGREEMENT to be executed in quadruplicate counterparts, each of which shall be considered as an original by their duly authorized officers.

Executed by the LA:

ATTEST: _____ City of Pekin _____ of the
(Municipality/Township/County)
State of Illinois, acting by and through its
By _____

Clerk By _____
(Seal) Title _____

Executed by the ENGINEER:

ATTEST: _____ Maurer-Stutz, Inc.

7615 N. Harker Drive
Peoria, Illinois, 61615
By _____
Title _____
By R. Q. Anderson
Title Senior Project Manager
By Joseph A. Stutz
Title Executive Vice President

Authorized MFT Expenditure _____ Date Department of Transportation _____ Regional Engineer



RESOLUTION 137-05/06
Resolution for Improvement by
Municipality Under the Illinois
Highway Code

BE IT RESOLVED, by the City Council _____ of the
City _____ Council or President and Board of Trustees
of Pekin _____ Illinois
City, Town or Village
that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
Intersection of Broadway and Parkway	FAU 6761		

1. That the proposed improvement shall consist of Intersection safety improvements to improve traffic flow.

_____ and shall be constructed _____ wide
and be designated as Section 00-00164-00-SP

2. That there is hereby appropriated the (additional ☒ Yes ☐ No) sum of Thirty-seven thousand one hundred dollar
Dollars (\$37,100.00) for the
improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract with Maurer-Stutz, Inc. ; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Authorized MFT Expenditure

Date _____

Department of Transportation

Regional Engineer

I, Sue McMillan Clerk in and for the

City of Pekin

City, Town or Village

County of Tazewell

foregoing to be a true, perfect and complete copy of a resolution adopted

by the City Council

Council or President and Board of Trustees

at a meeting on February 13, 2006

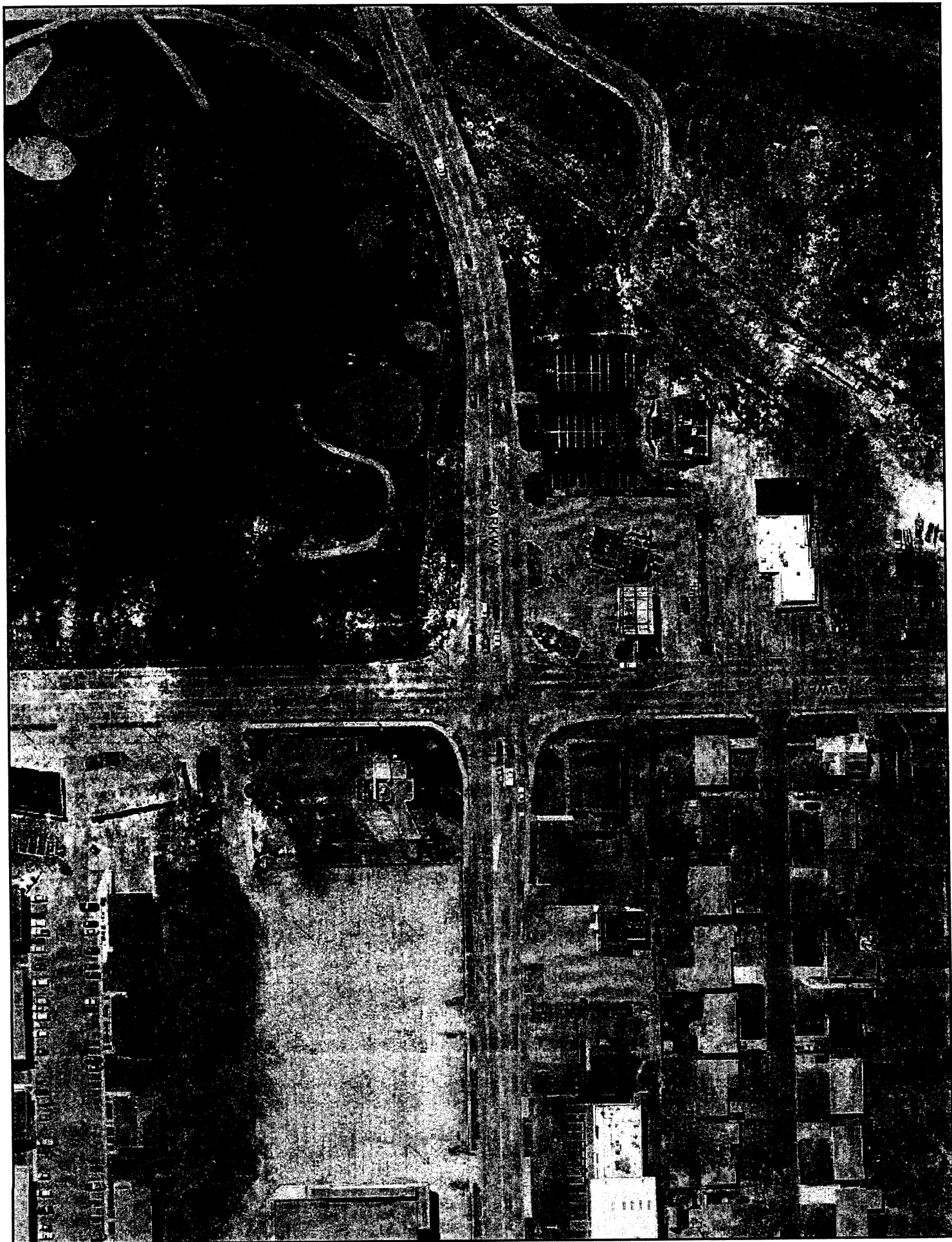
Date _____

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____^{Date}

13th day of February, 2006

(SEAL)

City, Town, or Village Clerk



ORDINANCE NO. 2460

AN ORDINANCE AMENDING TITLE 10
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING SUBDIVISION CODE

WHEREAS, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and function pertaining to its government and its affairs; and

WHEREAS, the Code of the City of Pekin 1995, adopted on April 10, 1995, and duly published in book form contains within Title 10, certain standards for subdivisions; and

WHEREAS, the City Council supports the responsible development of subdivisions in line with construction standards; and

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City Code for changes in number of documents and computer media required to be filed with preliminary plats, definitions and general housekeeping.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF PEKIN, ILLINOIS:**

1. That Title 10 be amended by deleting the existing Title in its entirety, and inserting the language on Exhibit "A" attached hereto and incorporated herein by this reference.

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance takes precedence over and supercedes any and all Ordinances or parts of ordinances in conflict herewith.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage and approval and publication as required by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this ____ day of _____, 2006; and upon roll call the vote was as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAINING: _____

APPROVED this ____ day of _____, 2006.

MAYOR

ATTEST:

CITY CLERK

CHAPTER 1

TITLE AND PURPOSES

SECTION:

10-1-1: Short Title

10-1-2: Purposes

10-1-1: **SHORT TITLE:** This Title shall be known and may be designated as the CITY OF PEKIN SUBDIVISION ORDINANCE.

10-1-2: **PURPOSES:** The purposes of this Title are to provide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewerage, and other health requirements; to secure adequate provisions for recreational areas, school sites and other public facilities; and, to provide logical procedures for the achievement of these purposes.

CHAPTER 2

DEFINITIONS

SECTION:

10-2-1:Definitions

10-2-1: **DEFINITIONS:** As used in this Title, singular words shall include the plural, and masculine words shall include the feminine and neuter. The following Definitions shall apply in the interpretation and enforcement of this Title:

ALLEY: A dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

APPROVED CONSTRUCTION PLANS: Construction plans that meet or exceed all applicable requirements and that have been reviewed and approved by the City Engineer and/or Director of Public Works as noted by his/her signature on the title page.

BLOCK: That property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right of way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

CITY: The City of Pekin, Illinois.

CITY ENGINEER: The City Engineer of the City.

CITY PLANNER: The staff planner or consulting planner of the City.

CLERK: The Clerk of the City.

COMMISSION: The Planning Commission of the City.

CONTRACTOR: The entity responsible for the construction of the subdivision in accordance with the Approved Construction Plans.

CUL DE SAC: A street having only one open end with the other having a bulb shape and constructed in accordance with the requirements of this code. (Ordinance)

DEVELOPER: The entity responsible for the design of the subdivision in accordance with all applicable ordinances and specifications.

DIRECTOR OF PUBLIC WORKS: The Director of Public Works of the City.

EASEMENT: A specific area of land over which a liberty, privilege, or advantage is granted by the Proprietor to the public, a corporation or some particular person or part of the public for specific uses and purposes and which shall be designated a "public" or "private" easement, depending on the nature of the use or user.

GOVERNING BODY: The City Council of the City, Illinois.

GUARANTEE: An irrevocable letter of credit or bond with corporate surety who shall be licensed to write bond in the State of Illinois and shall be in a form and with surety and conditions approved by the City.

IMPROVEMENTS: Grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains, fire hydrants, sanitary sewers, storm sewers, culverts, bridges and other additions to the natural state of land which increases its value, utility or habitability.

INSPECTOR: A designated representative of the City responsible for the oversight of all work performed within the City's jurisdiction. This individual may be from the Department of Inspection and Code Enforcement or a designated representative of the City Engineer and/or Director of Public Works.

LOT: A parcel of land separated from other parcels on a preliminary or recorded plat for the purpose of sale, lease or separate use.

MAJOR STREETS OR THOROUGHFARE PLAN: The part of the Master Plan which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.

MASTER PLAN: The Official Comprehensive Plan for the City and an area one and one-half (1 1/2) miles beyond the City Limits, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts and all physical developments of the City, including any unit or part of such plan separately adopted, and any amendment to such plan or parts thereof adopted by the City.

PARCEL (or TRACT): A continuous area or acreage of land that can be described as provided for in the subdivision Act.

PERSON: An individual, partnership, firm, corporation or association.

PLAT: A map or chart of a subdivision of land.

Final Plat: A map of all or part of a subdivision providing substantial conformance to the preliminary plat of the subdivision prepared in conformance with the requirements of this Title and suitable for recording by the County Recorder of Deeds.

Preliminary Plat: A map showing all details of a proposed subdivision layout as required in this Title.

Sketch Plan: A plan indicating the proposed layout of the subdivision in sufficient detail to show proposed street lots and site features.

PROPRIETOR: A natural person, firm, association, partnership, corporation, or combination of any of them, which may hold any ownership interest in land, whether recorded or not.

PUBLIC RESERVATION: A portion of a subdivision that is set aside for public use and made available for public use and acquisition.

PUBLIC UTILITY: Any person, firm or corporation, Municipal department, board or commission, duly authorized to furnish and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, television, transportation or water.

PUBLIC WALKWAY: A right of way dedicated for the purpose of a pedestrian access through residential areas and located so as to connect to two (2) or more streets, or a street and a public land parcel. This is not to be considered the same as a sidewalk.

STREET: Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, County, or Municipal roadway, or a street or way shown in a plat heretofore approved pursuant to law or approved by official action, or, a street or way on a plat duly filed and recorded in the office of the County Recorder of Deeds. A street includes the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns.

Arterial (Major Thoroughfare): An street of greater continuity which is intended to serve as a large volume traffic way for both the immediate City area and region beyond and may be designated on the City's Major thoroughfare, parkway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan.

Boulevard Street: A street developed to two (2) lanes, one-way pavements, separated by a median.

Collector Street (Secondary Thoroughfare): A street used primarily to carry traffic from minor streets to major thoroughfares.

Controlled Access: An arterial (major thoroughfare) having limited access to and from businesses or residences.

Cul-de-Sac Street: A minor street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turnaround.

Loop Street: A minor street of short length with two (2) openings to traffic beginning from the same street, and projecting parallel to each other, connecting at their termination by a loop.

Marginal Access Street: A minor street paralleling and adjacent to a major thoroughfare that provides access to abutting properties and protection from through traffic.

Local Street: A street of limited continuity used primarily for access to abutting residential properties.

Turnaround: A short boulevard street permanently terminated by a vehicular turnaround.

SUBDIVISION: The division of a parcel, tract or area of land into two (2) or more parts of land for the purpose, whether immediate or future, of transfer of ownership or building development or if a new street or easement of access is involved. Any division of a parcel of land, provided that division of land which may be ordered or approved by a court of affected by testamentary or interstate provision, or a division of land into lots or parcels of five (5) acres or more and not involving a new street or easement of access shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing the land subdivided.

ZONING TITLE: The City zoning regulations contained in Title 9 of this Code.

CHAPTER 3
GENERAL PROVISIONS

SECTION:

- 10-3-1: Jurisdiction
- 10-3-2: Applicability
- 10-3-3: Exemptions
- 10-3-4: Enforcement
- 10-3-5: Fees
- 10-3-6: Violations and Penalties

10-3-1: **JURISDICTION:** This Title shall apply to all land located within the City and within ~~the~~ area set forth and described as being contiguous or adjacent to said City within on and one-half (1 1/2) miles from the City limits, but outside said City, and shall be subject to the Illinois Plat Act (765 ILCS 205/1 et seq.) as existing and as may be amended hereafter.

10-3-2: **APPLICABILITY:** This Title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Title. Nor is it intended by this Title to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Title or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this Title imposes a greater restriction upon land than is imposed or required by such existing provision of law, ordinance, contract or deed, the provisions of this Title shall control. Use of this Title shall apply to all subdivisions of territory outside of and distant not more than one and one-half (1 1/2) miles from the corporate limits of the City as agreed with the Tazewell County Zoning Board.

10-3-3: **EXEMPTIONS:** Notwithstanding the requirements of Sections 10-3-1 and 10-3-2, this Title shall not apply in the following instances or transactions:

- A. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access.
- B. The division of lots or blocks of less than one acre in any recorded subdivision that does **not** involve the need for any new streets or easements of access.
- C. The sale or exchange of parcels of land between Proprietors of adjoining and contiguous ~~land~~ that does not create an additional lot.

10-3-4: **ENFORCEMENT:** The following shall apply in the enforcement of this Title:

- A. Recording of Plat: No plat of any subdivision confirmed by this Title shall be entitled to ~~record~~ in the County Recorder of Deeds' offices, or for any validity, until it shall have been approved in the manner prescribed herein.

- B. Sale of Land in a Subdivision: No Proprietor or agent of the Proprietor of any land shall transfer or sell any land by reference to, exhibition of or by the use of the plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this Section is voidable any time up to and including ninety (90) days after recording of the plat at the option of the buyer. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling for transferring shall not exempt the transaction from the provisions of this Title.
- C. Sale or Title Transfer Requirements: No final plat of any subdivision shall be accepted by the City without the following covenant: No deed shall be delivered or title transferred or sale completed on any lot in this subdivision, except to another Developer who accepts first Developer obligations, until such a time as the sanitary sewer and storm sewer, if any, curb and gutter, and road base be installed, in accordance with construction plans submitted for this subdivision and approved by the City.
- D. Permits: The City and the County of Tazewell shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein. No occupancy permit shall be issued for any building in a subdivision in which all improvements required in accord with this Title have not been installed. Any damage done to improvements during construction shall be corrected prior to issuance of an occupancy permit for any building.
- E. Public Improvements: The City hereby defines its policy to be that the City will withhold all public services of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities from all subdivisions which have not been approved and from all areas dedicated to the public which have not been accepted by the City Council in the manner prescribed herein.
- F. Revision of Plat After Approval: No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Commission and Governing Body and endorsed in writing on the plat, unless the said plat is first resubmitted to the Commission and Governing Body for approval.

10-3-5: FEES (See Section 10-8-1 of this Code for table of fees and security requirements):

1. Filing Fees:

Preliminary plat - See subsection 10-4-4A3.

Final plat - See subsections 10-4-6A, 10-4-6C1d and 10-5-6G

2. Review Fees: Preliminary and final plat review fees, planning fees, engineering fees, inspection fees, water and sewer connection charges and other applicable development charges shall be paid by the Developer as may be provided for by resolution of the Governing Body.

3. Security Requirements: See subsections 10-4-5E, 10-5-6G and 10-6-2F.

4. Inspection Fees: See subsections 10-5-5F and G.

5. Miscellaneous Improvements: See Section 10-6-4.

B. Set by Governing Body: All fees determined and established by resolution of Governing Body.

10-3-6: **VIOLATIONS AND PENALTIES:** Any person or anyone acting on behalf of said person, violating any of the provisions of this Title shall, upon conviction thereof, be subject to a fine of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

CHAPTER 4

SUBDIVISION PROCEDURES

SECTION:

- 10-4-1: Phases
- 10-4-2: Initial Plat Investigation
- 10-4-3: Sketch Plan (Optional)
- 10-4-4: Preliminary Plat
- 10-4-5: Construction Plans
- 10-4-6: Final Plat

10-4-1: PHASES: The preparation of a subdivision for platting may be preceded by an initial investigation sketch plan and shall go through two (2) phases: preliminary plat and final plat, all in accordance with the procedure as set forth hereinafter.

10-4-2: INITIAL PLAT INVESTIGATION: Prior to the preparation of a preliminary plat, it is suggested that the proprietor meet informally with the City departments concerned to investigate the procedures and standards of the City with reference to this Title and with the proposals of the Master Plan as they affect the area in which the proposed subdivision is located. The proprietor should concern himself with the following factors:

- A. The proprietor should secure a copy of the Zoning Title, these subdivision regulations, engineering specifications and other similar ordinances or controls relative to the subdivision and improvement of land so as to make himself aware of the requirements of the City.
- B. The area for the proposed subdivision should be properly zoned for the intended use.
- C. An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed subdivision should be made by the proprietor.
- D. The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening of thoroughfares should be investigated by the proprietor.
- E. Standards for sewage disposal, water supply and drainage of the City should be investigated by the proprietor.

10-4-3: SKETCH PLAN (OPTIONAL): The Developer may submit a sketch plan showing in simple form the proposed layout of street lots and other features relating to existing conditions for review by the City in order to avail himself of the advice and assistance of the City prior to proceeding with a preliminary plat.

10-4-4: PRELIMINARY PLAT: The procedure for preparation and submittal of a preliminary plat of the land area to be subdivided shall be as follows:

A. Filing:

1. Fifteen (15) copies and **one computer media (CD or floppy disk) in AutoCAD drawing or ArcInfo shapefile format** of the preliminary plat of the proposed subdivision together with written application in triplicate shall be submitted to the Commission. (Ordinance)
2. Submittal with the Commission shall be at least twenty (20) days prior to the regular Commission meeting (which meeting shall be considered as the date of filing) at which the proprietor will be scheduled to appear. The Staff (Director of Public Works, City Engineer, Fire Chief, and Code Enforcement Officer) shall initially review the preliminary plat to determine if all the data and information required by this Code have been provided. Not less than eleven (11) days before the regular Commission meeting, the Inspections Department shall notify the proprietor of the additional data or information required. Not less than seven (7) days before the regular Commission meeting, the proprietor shall submit a corrected plat to the Commission that complies with the notice provided by the Inspections Department. The recommendations by the Staff under this section are for the purpose of aiding in the efficient processing of preliminary plats and shall not be binding on the Commission.
3. Preliminary plat filing fees and review fees as established by resolution of the Governing Body shall be paid at the time of filing of the preliminary plat.

B. Identification and Description: The preliminary plat shall include:

1. Proposed name of subdivision.
2. Location by section, town and range, or by other legal description.
3. Names and addresses of the proprietor, and the planner, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall also indicate his interest in the land.
4. Scale of plat one inch to one hundred feet (1" = 100') as minimum acceptable scale.
5. Date and north point.

C. Preparation:

1. The preliminary plat should be drawn to show the arrangement of lots, blocks and streets. Dimensions of all lots shall be shown, but may be approximated. It is the intent of this Title that the preliminary plat need not be done in precisely engineered plans but be only in sufficient detail to permit planning review. At this stage, the proprietor should expect that the Commission might require major alterations to be made in the plat if it is found necessary.

2. It is not necessary that the preliminary plat be prepared by and sealed by a surveyor; provided, however, that the outside dimensions of the plat shall be based upon an accurate boundary survey prepared by a surveyor.

D. Existing Conditions: The preliminary plat shall include:

1. An overall area map at a scale of not less than one inch to one thousand feet (1" = 1000') showing the relationship of the subdivision to its surroundings within one-half mile (1/2) such as section lines or major streets or collector streets shall be provided.
2. Boundary line of proposed subdivision, section or corporation lines within or adjacent to the tract and overall property dimensions.
3. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision, including those areas across abutting roads.
4. Location, widths and names of existing or prior platted streets and private streets and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
5. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
6. Creeks or surface drains crossing through or within five hundred feet (500') of the subdivision shall be located on the preliminary plat with a statement as to the acres of area drained upstream of the point where said stream or surface drain enters the subdivision and the distance from the farthest reach of said drainage area to the subdivision.
7. Topography drawn as contours with an interval of not greater than two feet (2'). Exceptions to this rule are as follows:
 - a. Where the difference in elevation over the whole subdivision is less than four feet (4'), elevations shall be shown at the corners of the subdivision and at the highest and lowest points in the subdivision.
 - b. Where the difference in elevation over the whole subdivision is twenty-five feet (25') and the subdivision is less than ten (10) acres in size, the contour interval may be five feet (5').

E. Proposed Conditions: The preliminary plat shall include:

1. Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets and also the widths and location of alleys, easements and public walkways.
2. Layout, numbers and approximate dimension of lots, including building setback lines showing dimensions.

3. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property Proprietors in the subdivision.
4. An indication of the ownership and existing and proposed use of any parcels identified as "exempted" on the preliminary plat. If the proprietor has an interest or owns any parcel so identified as "exempted", the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plat.
5. An indication of the system proposed for sewage disposal by a method approved by the Governing Body and the Director of Public Works and/or the City Engineer.
6. An indication of system proposed for water supply by a method approved by the Governing Body and the Director of Public Works and/or the City Engineer.
7. An indication of storm drainage proposed by a method approved by the Governing Body and the Director of Public Works and/or the City Engineer.
8. In the case where the proprietor wishes to subdivide a given area but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development that the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.

F. Preliminary Plat Review by Planning Commission:

1. The Commission shall receive the preliminary plat as required under subsections 10-4-4A through E of this Section. The Commission shall place the proposal on the agenda of the next regular Commission meeting.
2. The Commission shall transmit a copy of the preliminary plat to the Director of Public Works, the City Engineer, the City Planner, the Fire Department, and to the regional superintendent of schools for the county having jurisdiction in the area where the plat is located.
3. The Commission shall review all details of the proposed subdivision within the framework of the Zoning Title within the various elements of the Master Plan and within the standards of this Title.

- G. Preliminary Plat Review by Governing Body:

- H. Certificates:

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- State of Illinois)
)SS
County of Tazewell)

City Clerk

- 10-4-5: CONSTRUCTION PLANS:** The procedure for the preparation and review of construction plans shall be as follows:

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4. Plans, profiles, details, specifications and cost estimates of proposed water supply facilities.
5. Plans and specifications and cost estimate of proposed subsurface facilities for the sanitary sewage facilities with calculations.
6. When unusual site or construction conditions exist, the Director of Public Works and/or the City Engineer may request such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
7. Topography shall be shown as specified in subsection 10-4-4D6.
- ~~8. One set reproducible (mylar or linen) and 2 copies of approved construction plans.~~
- ~~98. One set of accurate (mylar or linen) and 2 blue line copies of~~ **At the completion of all construction work, one (1) paper set and one (1) computer media (CD or disk) in AutoCAD drawing or ArcInfo shape file format of accurate** as-built sanitary sewer, storm sewers, and water lines drawings shall be provided. (Ordinance)

C. Review of Plans: The Director of Pubic Works and/or the City Engineer shall review the plans in order to determine whether such drawings comply with City design standards. If such drawings are consistent and so comply, the Director of Public Works and/or the City Engineer will return one set of approved construction plans to the Developer. In the event that the drawings do not so conform or comply, the Director of Public Works and/or the City Engineer shall notify the Developer of the specific manner in which such drawings do not conform. Plans will be reviewed in not more than sixty (60) days from date of submittal.

D. Construction of Improvements: No improvements shall be constructed nor shall any preliminary work be done until such time as a final plat and the engineering drawings have been approved and there shall have been compliance with all of the requirements relating to the appropriate bonding agreement. All construction shall be in accordance with general laws and construction procedures of the City. Barricades, signs, lights and maintenance shall be required of the Contractor at the construction site.

E. Security Requirements:

1. A subdivision Developer shall furnish security in the form of a guarantee to the City when he develops a subdivision located within the boundaries of the City limits of Pekin and within the one and one-half (1 1/2) mile jurisdiction of the City. The guarantee shall be equivalent to the total estimated cost of all improvements required by the subdivision ordinance and shall remain in force from the start of construction until acceptance of the improvements by the City. The guarantee shall serve to assure the warranties of the subdivision Developer that the subdivision will be constructed pursuant to the following:

- a. The final plat approved by City Council.

- b. The construction plans approved by the City Engineer and/or the Director of Public Works.
 - c. The standards set forth in this Title.
 - d. The design standards promulgated by the City Engineer and/or the Director of Public Works and such exception there from as may be approved by the City.
2. That portion of the guarantee as determined by the Director of Public Works and/or the City Engineer shall remain in full force and effect for a period of not less than two (2) years from the date of certification of completion of construction of the subdivision and upon written acceptance of the improvements by the City. The City may withhold acceptance whenever latent defects appear in the construction of the subdivision following certification of completion and until such defects are corrected.

An inspection fee shall be set by resolution of the Governing Body for basic improvement inspection.

- F. Certification and Inspection: All improvements to be made under the provision of this Title shall be inspected during the course of the construction by the Inspection Department or the City Engineer or the Director of Public Works as designated by the Council, and no subdivision shall be finally accepted as to any of such improvements until the Developer submits to the Council a certification of approval of such improvements issued by the designated Inspector of the City. It is further provided that in the construction of any such improvements by said Developer that in the event, any component part or parts of such improvement will be covered so that the same cannot be inspected by reason of said coverage, that the said Developer shall request an inspection thereof prior to its coverage, and in the event of failure to do so, said Developer shall be required to uncover said component part of said improvement for inspection by the City. It is provided further that the said Inspector shall be given twenty four (24) hours' notice, except for emergency, prior to any inspection required, and upon such inspection being made, in the event said improvement meets the City standards required, the said Inspector shall issue forthwith a certificate of approval of said inspection to said Developer. In the event it be deemed advisable, the said City Inspector is authorized to call the City Engineer and/or the Director of Public Works for the purposes of any inspection required, and the cost of said inspection shall be borne by the Developer. It is further provided that the City, through its City Engineer or Director of Public Works shall make available to all Developers a schedule of required inspections on all subdivision requirements of this Title.

10-4-6: **FINAL PLAT:** The procedure for preparation and review of a final plat shall be as follows:

- A. Final Plat Filing: Two (2) permanent copies (either linen or mylar no heavier than 4 mils); seven (7) paper prints and one computer media (CD or floppy disk) in AutoCAD drawing or ArcInfo shape file format of the final plat shall be filed by the Developer with the City Clerk and shall deposit with the City Clerk such sum of money as the Governing Body may require, as shall be set by resolution of the Governing Body, to provide for the expense of inspection of lands and review of the final plat. The City Clerk shall forward a print of the final plat to the City Engineer and the Code Enforcement Officer. (Ordinance)

B. Contents of Final Plat: The final plat shall contain the following information:

1. Description:
 - a. Name of proposed subdivision.
 - b. Minimum scale (1" = 100'), north arrow and date of preparation.
 - c. Correct legal description of property involved.
2. Existing Conditions:
 - a. Total acreage of subdivision.
 - b. The location of all present property lines, pertinent section lines and streets that are to remain the same within the area being subdivided.
3. Proposed Conditions:
 - a. Location, width and names of all proposed streets and walkways.
 - b. All dimensions, linear (to the nearest one-hundredth of a foot) and angular (to the nearest second of arch), necessary for locating the boundaries of the subdivision, lots, streets, easements and other areas for public or private use.
 - c. Location of all survey monuments and their descriptions.
 - d. Layout and scale dimensions of all lots, including minimum front setback lines and lot numbering.
 - e. Show all sections lines and corners within or abutting the subdivision.
4. Additional Information:
 - a. Street jog offset dimensions at intersecting streets where the centerline offset is less than one hundred twenty-five feet (125').
 - b. Name and widths of adjoining streets.
 - c. Radii, arcs or central angle, points of tangency and central angles for all curvilinear streets and radii for rounded corners. Also, the location of PT and PC from the nearest lot line.

C. Certificates:

1. The following certificates shall appear on all plats within the jurisdiction of the City:

- a. "Declaration of Ownership and Dedication", being a statement by the Proprietor or Proprietors and spouses, if any, or a duly authorized attorney, of the ownership of the land being subdivided, an acknowledgement of the correctness of the plat in accomplishing the uses and purposes of the Proprietor, and dedicating the streets and utility easements, if any, to the public. The wording of this declaration and dedication shall be substantially as follows:

STATE OF ILLINOIS
COUNTY OF TAZEWELL

DECLARATION AND DEDICATION OF _____ SUBDIVISION TO
THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS

_____, does hereby certify that he (they, it) is the Proprietor(s) of the land shown on the accompanying plat, and does hereby certify that he (they, it) has caused the survey and subdivision thereof to be made as shown on the accompanying plat and to be known as _____ in the City of Pekin, Tazewell County, Illinois, and acknowledges said survey to be correct to the best of his (their, its) knowledge and belief, and he (they, it) hereby dedicates the streets and utility easements shown on said Plat to the public use forever. Easements as shown by dashed lines and marked utility easement on said Plat are hereby reserved for the use of all public utility companies to install, lay, construct, operate, maintain, renew and/or remove underground water mains, sewer pipes, gas pipelines, electric and telephone cables or conduits with all necessary aboveground transformer and service pedestal installations, with the further right to install and maintain overhead electric and telephone pole and wire-line installations with all necessary braces, guy wires, anchors and other appliances for the purpose of serving the subdivision and adjoining properties with water, sewer, gas, electric and telephone service, including the right to use the streets where necessary and to overhang or bury across all lots service wires, pipeline and/or cables to serve adjacent lots, together with the right to enter upon the lots at all times to install, operate and maintain said utility facilities and to trim or remove any trees, shrubs or saplings that interfere or threaten to interfere with said utility facilities.

No permanent buildings or trees shall be placed on said easements, but said easements may be used for gardens, shrubs, landscaping and other purposes that do not interfere with the use of said easements for public utility purposes.

Dated at Pekin, Illinois, this _____ day of _____, A.D. _____

(The signatures above are to be duly attested on the plat by a notary public.)

b. Certificate of a registered Illinois land surveyor, attesting to the accuracy of the survey and the correct location of all monuments shown and all applicable requirements of Illinois Statutes.

c. Certificate of County Clerk:

STATE OF ILLINOIS

COUNTY OF TAZEWELL

I, _____, County Clerk of the aforesaid County, do hereby certify that I have this day examined the tax records of the property shown on the attached Plat, and find no delinquent general taxes, unpaid current general taxes, nor delinquent special assessments against the tract of land shown on said Plat.

Given under my hand and seal of the said County, this _____ day of _____, A.D. _____.

County Clerk

Deputy Clerk

d. Following the signature of previously mentioned certificates, the Developer shall take the final plat to the Tazewell County Recorder's Office for recording.

2. The following certificates shall appear on all plats of subdivisions located within the City limits of Pekin:

State of Illinois

)
)SS

County of Tazewell

)

I hereby certify that by Resolution No. _____ adopted by the City Council of the City of Pekin, Tazewell County, Illinois, at its regular meeting held on the _____ day of _____, A.D. _____, the above plat of _____ Subdivision was approved and the streets and alleys shown thereon were accepted.

City Clerk

3. The following certificate shall appear on all plats of subdivisions lying outside of the City limits of Pekin and within one and one-half (1 1/2) miles of the corporate limits thereof:

State of Illinois

)
)SS

County of Tazewell

)

I hereby certify that by Resolution No. _____ adopted by the City Council of the City of Pekin, Tazewell County, Illinois at its regular meeting held on the _____ day of _____, A.D. _____, the above plat of _____ Subdivision was approved.

City Clerk

D. Final Plat Review:

1. No final plat review will be performed until as-built drawings detailing final locations of developer installed underground utilities (i.e. water, sanitary sewers, and storm sewers) are submitted to the City. This submission shall include copies of the results of all pressure and deflection tests.
2. The final plat shall be reviewed by the Public Works Director, the City Engineer, and the Code Enforcement Officer as to compliance with the approved preliminary plat, plans for utilities and other improvements and the other requirements of this ordinance.
3. The Public Works Director, the City Engineer, and the Code Enforcement Officer shall notify the City Clerk of their recommendations for either approval or rejection of the final plat. The City Clerk shall report the recommendations to the Governing Body.

4. When a person submitting a plat of subdivision or resubdivision for final approval has supplied all drawings, maps and other documents required by the Municipal ordinances to be furnished in support thereof, and if all such material meets the Municipal requirements, the corporate authorities shall approve the proposed plat within sixty (60) days from the date of filing the last required documents or other paper or with sixty (60) days from the date of filing application for final approval of the plat, whichever date is later. The applicant and the corporate authorities may mutually agree to extend the sixty (60) day period.
5. Upon the approval of the final plat by the Governing Body, three (3) prints of the final plat shall be forwarded: one to the City Clerk; one to the Commission; and one to the Inspection Department. The original copies shall be forwarded to the City Clerk for distribution to appropriate agencies.
6. Upon receipt of the final plat from the Governing Body, the Inspection Department shall cause the final plat to be recorded in the form approved by the Governing Body.

CHAPTER 5

DESIGN LAYOUT STANDARDS

SECTION:

10-5-1: Development Guides; Final Plat

10-5-2: Streets

10-5-3: Blocks

10-5-4: Lots

10-5-5: Natural Features

10-5-6: Subdivision Open Space Plan Option and Planned Residential Development Option

10-5-1: DEVELOPMENT GUIDES; FINAL PLAT: The subdivision design layout standards set forth under this Chapter are development guides for the assistance of the proprietor. All final plans must be reviewed and approved by the Governing Body.

10-5-2: STREETS: Streets shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in this Chapter and other conditions set forth by the Governing Body.

A. Location and Arrangement:

1. The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such part shall be platted in the location and width on such Plan.
2. The street layout shall provide for continuation of collector thoroughfares in the adjoining subdivisions or the proper projection of streets when adjoining property is not subdivided or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.
3. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
4. Should a proposed subdivision border on or contain an existing or proposed frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction to traffic hazards.
5. Should a proposed subdivision border on a railroad, expressway or other limited-access highway right of way, the City may require the location of a street approximately parallel to and on each side of such right of way at a distance suitable for the development of any use of the intervening land. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

6. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the City finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half street, the other half shall be platted.
7. Cul de Sacs are discouraged within the City of Pekin. Should the use of a cul de sac be required to meet existing property conditions, developer shall make every effort to provide an alternate means of emergency access. In the case of water service, the line shall be designed in such a manner as to avoid a dead end service.

B. Right Of Way and Pavement Widths:

<u>Street Class</u>	<u>Right-of-Way</u>	<u>Pavement Width</u>
Controlled Access (4 lanes, with center turn lane, no parking)	120' *	64'
Arterials (Major Thoroughfare) (4 lanes, no parking)	80' – 100'	48'
Collectors (Secondary Thoroughfare) (2 lanes, with parking) or (4 lanes, no parking)	66' – 80'	42'
Local (with curbs)	54'	32'
(without curbs)(<u>RE Zone ONLY</u>)	60'	24'

*Minimum required Right-of-Way for Controlled Access Street. Additional width may be necessary to accommodate significant changes in the terrain.

- C. Street Geometrics: Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be established by resolution of the Governing Body and approved by the City Engineer and/or Public Works Director. In no instance shall the standards for a residential street be less than that prescribed for an urban thirty (30) mile per hour design as specified in the Illinois Department of Transportation Division of Highways' "Design Manual".
- D. Street Intersections: Streets shall be laid out so as to intersect as nearly as possible to ninety degrees (90). Curved streets, intersecting with major thoroughfares and collector thoroughfares, shall do so with a tangent section of center line fifty feet (50') in length measured from the right-of-way line of major or collector thoroughfare.
- E. Street Jogs: Street jogs with centerline offsets of less than one hundred fifty feet (150') shall be avoided.
- F. Acceleration-Deceleration Lanes: Streets which intersect with major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes on both sides of the thoroughfare. Such lanes shall be provided in keeping with the standards approved by the Governing Body for this type of improvement.

- G. Cul-de-sacs: Streets using cul de sacs shall be limited in number to encourage more equal utilization of local streets:

1. General Requirements

- a. In single family zoning districts - cul de sacs shall not exceed 1200 feet in length or have more than 21 lots fronting thereon, whichever imposes the more demanding standard. (Note: the length of a cul de sac shall be measured along the centerline of the street starting at the centerline of the intersecting street to the center point of the cul de sac bulb.)
- b. In multiple family zoning districts – cul de sacs shall not exceed 400 feet in length or have more than 8 lots fronting thereon, whichever imposes the more demanding standard. (Note: a lot zoned RT shall be considered to be two lots for the purpose of number of lots fronting thereon.)
- c. Cul de sac streets shall not be constructed “end to end” where a through street could reasonably and economically be constructed.
- d. Lots zoned R-1 or R-2 shall have a minimum 60 foot lot width measured at the building setback line if located in the bulb of the cul de sac.
- e. Driveways shall not encompass more than 50% of the curb on the bulb of a cul de sac street.
- f. Cul de sac bulb shall have a minimum diameter measured face to face of the curb of 100 feet in residential zoned areas and 120 feet in all others.

10-5-3: **BLOCKS:** Blocks within subdivisions shall conform to the following standards:

A. Sizes:

1. Blocks shall not exceed one thousand four hundred feet (1,400') in length, except where, in the opinion of the Commission, conditions may justify a greater distance.
2. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

B. Public Walkways:

1. Location of public walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities or where blocks exceed nine hundred feet (900') in length.
2. Walkways shall be dedicated to the public or provided as a private easement for this purpose.

- C. Easements: Except where alleys are provided for this purpose, utility easements shall be provided for use in erecting, constructing and maintaining poles, wires, conduits, storm sewers, sanitary sewers, surface drainage, gas mains, electrical lines and other public utilities required for an urban structure. Easements for underground cable for street lighting shall be provided on the final plat. No building shall be erected on said easements unless plans for building are approved by the Governing Body after consultation with the agency having facilities in the easement.

10-5-4: **LOTS:** Lots within subdivisions shall conform to the following standards:

A. Sizes and Shapes:

1. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and type of development contemplated.
2. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Title for the district in which the subdivision is proposed when said subdivision is located within the City limits.
3. Lot areas and widths for areas within one and one-half (1 1/2) miles beyond the City limits shall be not less than seven thousand eight hundred (7,800) square feet of area and not less than sixty five feet (65') in width. Where a public sewer system is not available, lot areas shall not be less than twenty thousand (20,000) square feet of area and not less than one hundred feet (100') in width; provided, such lots may be required to be larger in size and width in those instances where individual sewage disposal systems require greater lot area as may be required by the County Health Department or other applicable government authorities.
4. Building setback lines shall conform to at least the minimum requirements of the Zoning Title.
5. Corner lots in residential subdivisions shall be platted at least ten feet (10') wider than the minimum width permitted.
6. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of three to one (3:1) shall normally be considered a maximum.
7. Lots intended for purposes other than residential use shall be specifically designed for such purposes and shall have adequate provisions for off-street parking, setbacks and other requirements in accordance with the Zoning Title.

B. Arrangement:

1. Every lot shall front or abut on a street.
2. Side lot lines shall be at right angles or radial to the street lines.

3. Residential lots abutting major thoroughfares or collector thoroughfares, or collector thoroughfares, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots or with side lot lines parallel to the major traffic streets or shall be platted with extra depth to permit greater distances between building and such traffic way.
4. Lots shall have a front-to-front relationship across all streets where possible.

10-5-5: NATURAL FEATURES: The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves and similar community assets that will add attractiveness and value to the property if preserved. The proprietor must consider the preservation of drainage and natural stream channels, and the dedication and provision of adequate barriers, where appropriate, shall be required.

10-5-6: SUBDIVISION OPEN SPACE PLAN OPTION AND PLANNED RESIDENTIAL DEVELOPMENT OPTION: The following requirements apply in addition to all other requirements of this Title where a preliminary plat is filed for approval under the Subdivision Open Space Plan section of the Zoning Title (See Section 9-9-3 of this Code) or under the planned residential development section of the Zoning Title (See subsection 9-4A-3L of this Code).

- A. Statement of Principles: Consideration by the Commission and the Governing Body of proposed optional use of Plan shall reflect the following basic principles:
 1. The Subdivision Open Space Plan and the planned residential development sections of the Zoning Title provide an optional method of subdividing property, and approval of any such development is subject to the discretion of the City.
 2. Particular attention shall be given to the affect of a development upon the immediate area, where the character of that area has been established by previous development. Major attention shall be given by the Commission and the Governing Body to the benefits to be derived by the residents of the proposed subdivision and the City because of the Plan with minor consideration to be given to the proprietor.
 3. The following objectives shall govern the approval or disapproval of the proposed Subdivision Open Space Plan or planned residential development:
 - a. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - b. Encourage Developers to use a more creative approach in the development of residential areas.
 - c. Encourage a more efficient, aesthetic and desirable use of land while recognizing a reduction in development costs and by allowing the Developer to bypass natural obstacles on the site.

- d. Encourage the provision of open space within reasonable distance of all lot developments so benefits may accrue to the subdivision and to further encourage the development of recreational facilities and areas.

B. The application for approval of the Subdivision Open Space Plan or planned residential development shall contain the following, in addition to the information required by other sections of this Title and by the Zoning Title:

1. A complete description of the land to be dedicated to common use (herein called open land) shall be provided, including the following as a minimum:
 - a. Legal description of open land.
 - b. Topographical survey of open land.
 - c. Type of soil in open land (include a minimum of one soil boring and percolation test per acre).
 - d. Description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc.).
 - e. Other relevant factors.
2. The proposed plan of development of the open land shall be contained in the application and shall include the following as a minimum:
 - a. How legal title is to be held.
 - b. How said property shall be regulated.
 - c. Provisions for the payment of taxes.
 - d. Persons or corporations to be responsible for maintenance.
 - e. How maintenance is to be guaranteed.
 - f. How maintenance and development are to be financed.
 - g. Proposed uses of open land.
 - h. What improvements are to be constructed by the Developer and an estimate of the cost thereof prepared by a landscape architect or civil engineer.
 - i. Other relevant facts related to the proposed uses of open land.
3. The application shall contain a statement of the benefits to be realized by the residents of the proposed subdivision and the City by approval of the proposed Subdivision Open Space Plan with particular reference to the objectives of this Section.

- C. Before any action is taken upon any Subdivision Open Space Plan filing or planned residential development filing, copies of the preliminary plat, application and supporting data shall be submitted by the City Clerk to the City Planner and to the Corporation Counsel for review and recommendation.
1. The City Planner shall review and render an opinion upon the proposed Plan from the materials furnished and from visits to the site or such other information as he may deem necessary and render his opinion with respect to the following:
 - a. The suitability of the proposed open land for purposes proposed.
 - b. The need for the proposed uses in the general area.
 - c. The location and layout of the open spaces with relation to the lots within the subdivision.
 - d. The effect upon neighboring areas that would result by the Plan and the appropriateness of the development of the lot sizes proposed under the Plan in the particular area involved.
 - e. Any other factor related to the development and proper design of the proposed subdivision.
 2. The Corporation Counsel shall review the proposed Plan and render his opinion with respect to the following:
 - a. The proposed manner of holding title to the open land.
 - b. The proposed manner of payment of taxes.
 - c. The proposed method of regulating the use of the open land.
 - d. The proposed method of maintenance of property and financing thereof.
 - e. Any other factor related to the legal or practical problems of ownership, use and maintenance of the open land.
- D. If the Commission is satisfied that the proposed Plan meets the letter and spirit of this Section and the Zoning Title and should be approved, it shall give tentative approval to the plat with the conditions upon which such approval should be based. Thereafter, the Governing Body shall take action upon such application in accordance with the provisions of this Title and the Zoning Title.

- E. If the Commission is not satisfied that the proposed Plan meets the letter and spirit of the Zoning Title or finds that the approval of said Plan will be detrimental to existing development in the general area and should not be approved, it shall communicate such disapproval to the Governing Body with the reasons therefore. The proprietor shall be entitled to a hearing upon said proposal before the Governing Body upon written request therefore filed with the City Clerk.
- F. If the Governing Body gives preliminary approval of the proposed Plan, it shall instruct the Corporation Counsel to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval thereof by the Governing Body, shall be entered into between the City and the proprietor prior to the approval of any final plat based upon the approved preliminary plat.
- G. At the time of application for final approval, the proprietor shall provide guarantee in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvements within a time to be set by the Governing Body.

CHAPTER 6

IMPROVEMENTS

SECTION:

- 10-6-1: General Requirements
- 10-6-2: Streets
- 10-6-3: Utilities
- 10-6-4: Miscellaneous Improvements Required
- 10-6-5: Construction Inspections and Deviations from Plans
- 10-6-6: Residential R.E. One Family Residential Estate District

10-6-1: GENERAL REQUIREMENTS:

A. Minimum Standards and Special Provisions:

1. Minimum Standards: The minimum standards ("Minimum Standards") for construction in developments are found in the following two (2) documents that are incorporated herein by this reference.
 - a. "Standard Specifications for Road and Bridge Construction", Current Edition (Adopted January 1, 2002), Illinois Department of Transportation
 - b. "Standard Specifications for Water and Sewer Main Construction in Illinois", Current Edition (May 1996)
2. Special Provisions: The provisions of this Article 10 as referred to herein as "Special Provisions." Compliance with these specifications shall be verified through inspections provided by the Inspection Department and/or the Public Works Department. Where there is referenced calling for inspections, Contractor shall call the Inspection Department to arrange for all inspections. Final acceptance of all work will be by the City Engineer and/or Director of Public Works or his/her designated representative.

B. Completion Guarantee: Prior to the undertaking of any improvements, the proprietor shall deposit with the City Clerk guarantee acceptable to the Governing Body to insure faithful completion of all improvements within the time specified. The amount of the guarantee shall be set by the Governing Body based upon an estimate by the Director of Public Works and/or City Engineer.

C. Maintenance Guarantee: Prior to the acceptance by the City of improvements, a two (2) year maintenance guarantee in an amount set by the Governing Body shall be posted by the proprietor.

D. Description of Work: The work under these Special Provisions consists of grading, subbase preparation, aggregate base, curb and gutters, sidewalks, bituminous surfacing, storm sewers, ditch and culvert construction, roadway lighting, and other incidental and collateral work as shown on the plans and as specified herein. No work shall commence without approved

construction drawings, a construction permit issued by the Inspection Department, and 24 hour notification of intent to start work given to either the Public Works Department or Inspection Department.

- E. Drawings and Specifications: Should there be a conflict between the plans, Minimum Standards, and Special Provisions, the Approved Construction Plans shall prevail over the Special Provisions, and the Special Provisions shall prevail over the Minimum Standards.

The Contractor shall be required to maintain a set of Approved Construction Plans and specifications on the jobsite at all times when work is in progress and shall make these documents available to the Inspectors, City Engineer, Director of Public Works, or his/her designated representative upon request.

No work shall commence without an approved set of construction drawings and a permit has been obtained from the Inspection Department. Contractor shall notify the Inspection Department prior to commencing work and shall schedule all inspections 24 hours in advance.

- F. Keeping the Road Open to Traffic: Existing adjoining streets shall be kept open to two-way traffic at all times except when, in the opinion of the Director of Public Works, some necessary part of the construction operation needs to be on the pavement or close enough to the edge of the pavement to constitute a safety hazard. In this case, traffic may be restricted to an alternating one-way condition at the necessary location(s) for the necessary minimum part of the daylight hours of a working day in accordance with the appropriate standards and an approved traffic plan. Under no circumstances shall the restriction be in effect after work hours or over a weekend. Access for emergency vehicles shall be provided at all times.

- G. Traffic Control Plan: Traffic control shall be in accordance with the applicable sections of the "Standard Specifications for Road and Bridge Construction" and "Illinois Manual on Uniform Traffic Control Devices for Streets and Highways", 1988 Edition, manuals & special provisions on the Approved Construction Plans. Traffic control plans shall be submitted to the Director of Public Works for approval prior to commencing any work that is within City right of way or close enough to present a possible safety hazard to the public.

Special attention is called to Articles 107.09 and 107.14 and Sections 701 through 705 of the "Standard Specifications for Road and Bridge Construction" and the Highway Standards relating to traffic control. (Illinois Department of Transportation Standards 2299 and 2300)

- H. Cooperation with Utility Companies: The Developer or his Contractor(s) shall consider all the permanent and temporary utility appurtenances in their present or relocated positions and that no additional compensation will be allowed for any delays, inconvenience or damage sustained by him due to any interference from the said utility appurtenances or the operations of moving them. It is the Contractor's responsibility to contact J.U.L.I.E. prior to commencing work and following all applicable requirements.

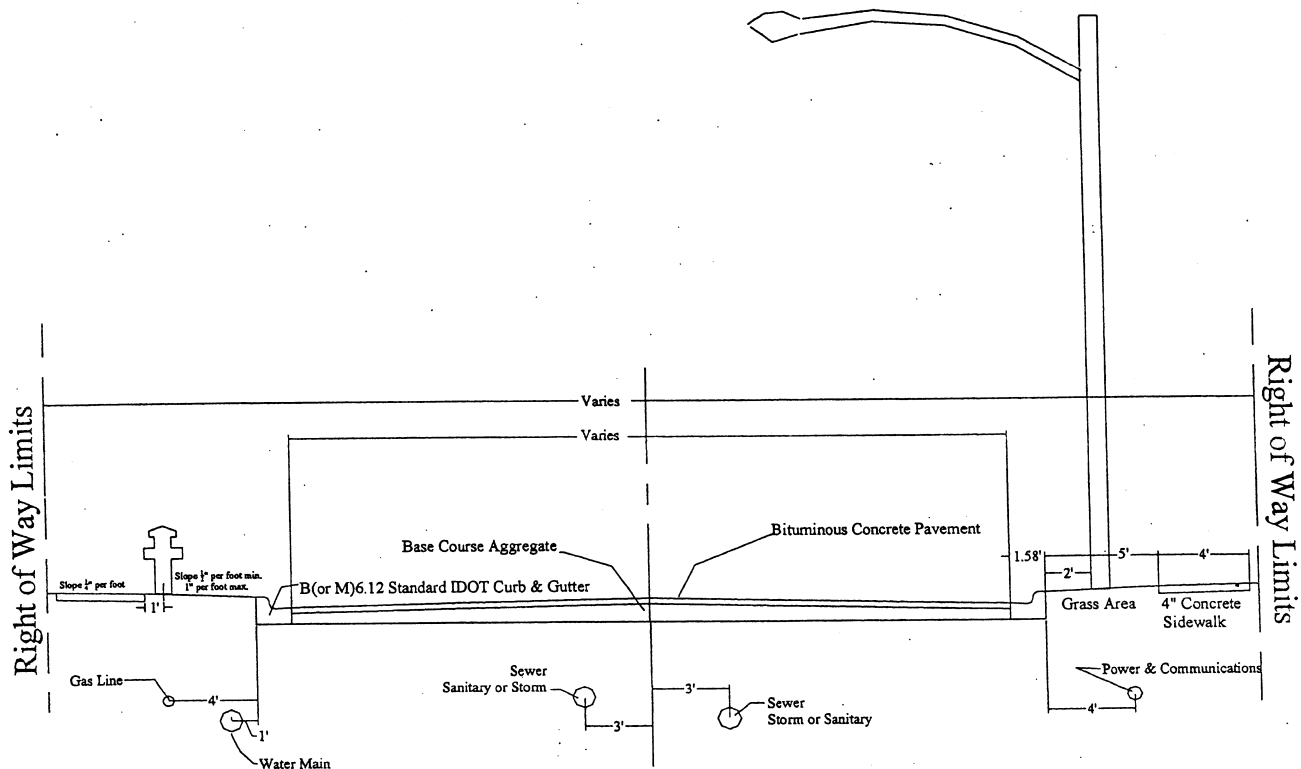
- I. Existing Underground Utilities: The City assumes no responsibilities for the presence, specific size or location of underground distribution system of the several public utility corporations. No responsibility for the protection of said underground systems will be assumed by the City unless such protection is incidental to the protection of the municipally owned property of the

City. If such protection is found to be necessary to water mains, gas mains, cable television, underground electrical distribution systems, underground telephone circuit systems, or any other underground utility system of non-municipal ownership, the cost of same, in whole or in part, is disclaimed by the City. Contractor shall comply with all requirements for underground utility locating.

10-6-2: **STREETS:** All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Governing Body.

- A. Street Improvements: All street design and construction within a subdivision lying outside the corporate limits of the City and within one and one-half (1 1/2) miles of the corporate limits of the City shall be approved by the Commissioner of Highways of the County Highway Department and the Township Highway Commissioner of the township within which said subdivision is located as well as the City.
- B. Right of Way & Pavement Widths: Street right-of-way (ROW) and pavement widths shall be as stated in Article 10-5-2B within the City.

The typical street cross section shall be as follows:



TYPICAL STREET SECTION
PEKIN SUBDIVISION CONSTRUCTION DETAIL

Locations of the utilities are shown to emphasize the need to standardize the location within the right-of-way for ease of access for maintenance or repairs. It is recognized that the exact side of the street for each utility cannot be given due to the connection locations. However, every effort shall be made to comply with spacing relationships to the centerline of the roadway and the back of curb.

- C. Grading: All grading work shall be accomplished, measured, and paid for according to the "Standard Specifications for Road and Bridge Construction". The removal of the existing materials shall be to a point of not less than one (1) foot below the final surface grade. It is the Contractor's responsibility to remove excess and unsuitable materials from the site and dispose of the same at an approved waste location. Furthermore, it is the Contractor's responsibility to haul in and compact any fill materials that the Public Works Director, City Engineer, or their designated representative, may deem necessary. Contractor shall supply the Inspector with the test results verifying the required compaction. Grade shall be verified by measuring from stakes for curb and from the curb for roadway surfaces. Contractor shall request an inspection for compaction and final grade with the Inspection and Zoning Department a minimum of twenty-four (24) hours in advance. Subsequent work shall not proceed until the grade and compaction have been inspected and passed.
- D. Backfill: All trenches within two feet (2') of the construction area shall be backfilled in accordance with City specifications.
- E. Street Elevation: The full dedicated width of all streets shall be brought to the approximate elevation of the curbs constructed and, in no case, below or more than one foot (1') above the top of the curb, in order to facilitate installation of sidewalks.
- F. Street Surfacing Requirements:

1. AGGREGATE BASE COURSE

Placing aggregate base course shall be accomplished, measured, and paid for according to the "Standard Specifications for Road and Bridge Construction". It shall be the Contractor's responsibility to supply the Inspector, the material tickets, and test results verifying the required compaction. Grade shall be verified by measuring from stakes for curb or from the finished curb for roadway surfaces. The Inspector may require proof rolling at time of final inspection.

2. BITUMINOUS CONCRETE PAVEMENT

Placing bituminous concrete pavement shall be accomplished, measured, and paid for according to the "Standard Specifications for Road and Bridge Construction". Bituminous material to be used for the bituminous concrete binder and surface courses, class I shall be AC 5, AC 10, AC 20, or AC 120-150. All surface course applications shall be 1½ inch in thickness. Bituminous material (prime coat) shall be applied at the approximate rate of 0.10 gallons per square yard. Material for prime coat shall be RC 70 with this item being incidental to the bituminous concrete surface course. Contractor

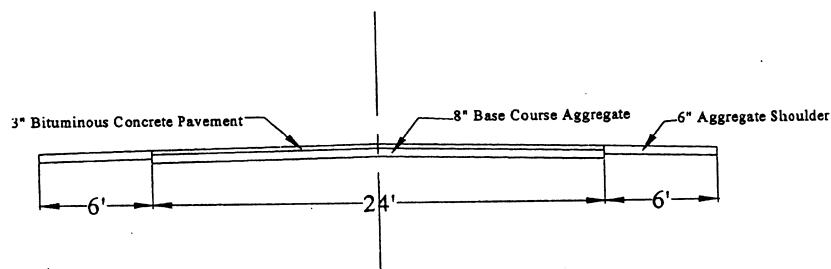
shall supply the Inspector with material tickets and compaction test results prior to acceptance of finished surface.

3. PORTLAND CEMENT CONCRETE (PCC) PAVEMENT

Placing PCC pavement shall be accomplished, measured, and paid for according to the "Standard Specifications for Road and Bridge Construction". Use of PCC pavement shall be at the discretion of the Public Works Director or City Engineer.

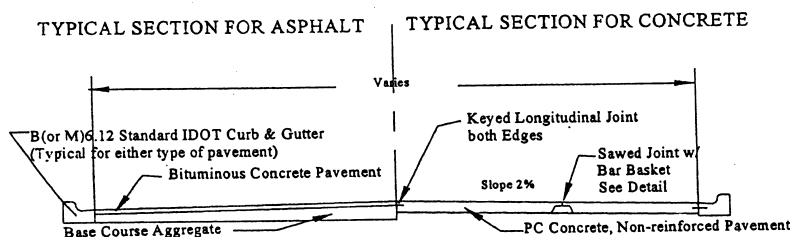
4. STREET CONFIGURATION

All streets shall be configured in accordance with the following typical sections:



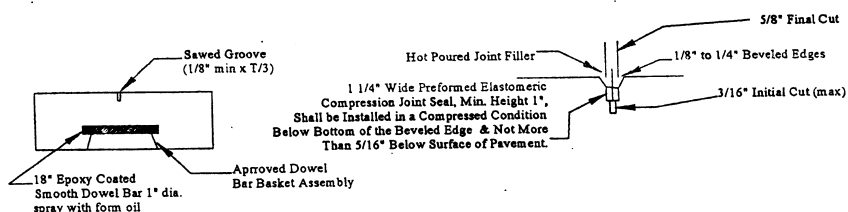
TYPICAL ROADWAY SECTION

PEKIN SUBDIVISION CONSTRUCTION SECTION
WITHOUT CURBS (RE ZONE ONLY)



TYPICAL ROADWAY SECTION

PEKIN SUBDIVISION CONSTRUCTION SECTION
WITH CURBS



5. PAVEMENT THICKNESS

Required thickness of PCC and bituminous concrete pavements shall be as follows based on the intended use of the street:

Street Class

Controlled Access

(4 lanes, with center turn lane, no parking)

Bituminous

6"

w/ 10" agg. base

PCC Concrete

10" reinforced

Arterials (Major Thoroughfare) (4 lanes, no parking)	6" w/10" agg. base	8"
Collectors (Secondary Thoroughfare) (2 lanes, with parking) or (4 lanes, no parking)	4" w/8" agg. base	6"
Local (with curbs) (without curbs)(RE Zone ONLY)	3" w/8" agg. base	6" N/A

6. Before any pavement is laid on any streets in the subdivision, all sanitary sewer services and other utilities shall be stubbed into the property line on all lots having frontage on said streets.
7. The base course for all streets in said subdivision shall lay in place for twelve (12) months before the final surface is placed. The Developer shall furnish certification by a materials engineer that samples of the base course taken at location selected by the City Engineer and/or Director of Public Works conform to the requirements of paragraphs 2 and 3 above. There shall be not less than two (2) samples for every three hundred (300)-center line feet of roadway. In those instances where base course materials can be adequately compacted and certification furnished by a registered engineer that compaction is adequate to meet or exceed the normal compaction in a twelve (12) month period, a lesser time period may be approved.

G. **Street Maintenance:** As a condition to the acceptance of any subdivision, the person or persons presenting said subdivision for acceptance shall agree to maintain the streets, sidewalks, curbs and gutters in said subdivision for a period of two (2) years from the date of acceptance of completed construction in the plat and before the acceptance of said subdivision by the City or the actual construction of said streets, sidewalks, curbs and gutters, whichever occurs later, and said person or persons presenting said subdivision for acceptance shall post with the City a good and sufficient guarantee to assure maintenance of said streets, sidewalks, curbs and gutters for a period of two (2) years from the time of its acceptance and to insure the compliance of said person or persons with all provisions of this Chapter and shall be subject to any charges by the City for the performance of the work by the City required to be performed by the said Developer herein. At any reasonable time after the giving of said guarantee, the Governing Body through its Corporation Counsel may require a re-justification of said guarantee or additional security.

H. **Curbs and Gutters:**

1. REMOVAL OF EXISTING COMBINATION CURB AND GUTTER

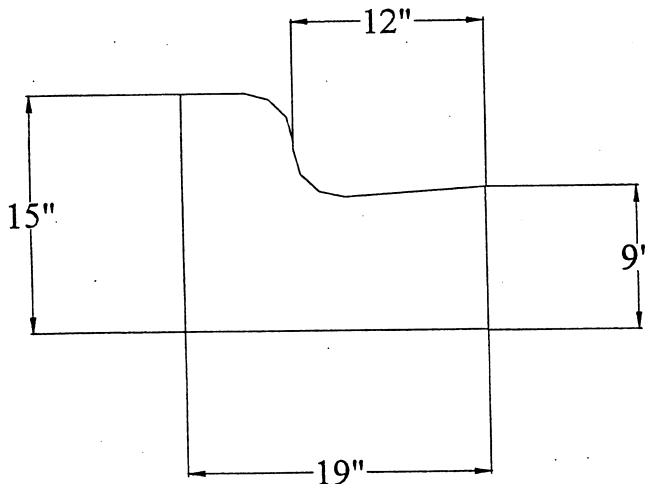
Removal work shall be done in accordance with Section 440 of the "Standard Specifications for Road and Bridge Construction". In areas where a portion of existing curb and gutter is to remain, the Contractor shall saw cut the joint to a minimum of one and one half (1 ½) inches to prevent spalling when the concrete is removed. All work shall be done in such a manner that a straight joint shall be established for a satisfactory transition between existing curb section and the proposed new section. Where the curb is removed or replaced for new driveway construction, widening or removal, the construction shall satisfy the terms of Section 10-6-2J of this Code.

2. PORTLAND CEMENT CONCRETE (PCC) CURB AND GUTTER

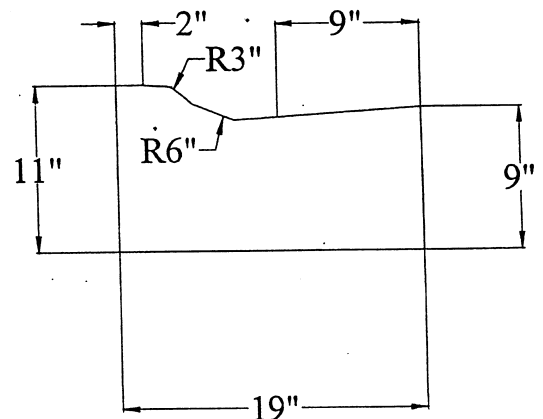
Construction of PCC curb and gutter at locations shown on the Approved Construction Plans shall be done in accordance with Section 606 of the "Standard Specifications for Road and Bridge Construction" and as specified herein. All curb and gutter shall be either Type B6.12 or M.6.12 as approved by the Public Works Director or City Engineer. The specific type of curb to be utilized will depend on the intended street classification and zone. Contractor shall call for an inspection of grade and compaction twenty-four (24) hours in advance of placing concrete for curb and gutters. Contractor shall supply Inspector with all material tickets and test results prior to final acceptance of work.

3. TYPICAL CURB & GUTTER SECTIONS

The following are typical sections for the B6.12 and M6.12 curbs.



TYPICAL CURB:
TYPE B6.12



TYPICAL CURB:
TYPE M6.12

TYPICAL CURB SECTION
PEKIN SUBDIVISION CONSTRUCTION DETAIL

I. PORTLAND CEMENT CONCRETE (PCC) SIDEWALK

Construction of four (4) foot wide and four (4) inch thick PCC sidewalk at the locations and lengths shown on the Approved Construction Plans shall be done in accordance with of the "Standard Specifications for Road and Bridge Construction" and as specified herein.

Contractor shall supply the Inspector with material tickets and testing results prior to final acceptance and shall call for inspection of subgrade twenty-four (24) hours prior to placing concrete for the sidewalks.

Sidewalk subgrade preparation shall consist of tamping or rolling subbase thoroughly until required compaction is obtained. Then 4 inches of base course aggregate material shall be placed and shall be rolled or tamped thoroughly to required compaction. Base material shall be moistened immediately prior to the placement of the concrete.

Sidewalks extending through driveway approach sections shall be a minimum of 6 inches thick. The slope of the sidewalk shall remain as shown in the typical section.

Sidewalks within the right of way shall be constructed with standard concrete finishes and slope. Grading shall include the adjacent green space between the back of curb and edge of sidewalk with the slope being no greater than shown in the typical section. No special finishes or materials will be allowed in concrete sidewalks without the permission of the Director of Public Works and/or City Engineer, or his/her designated representative.

J. Driveways:

1. Requirements: All driveway construction (new, replacement, and/or widening and closures) must satisfy the requirements hereinafter set forth:
 - a. From the point where the driveway meets the gutter portion of the curb and gutter, the driveway construction must slope upward at a constant grade to the street R.O.W./property line. At that point, the elevation of the top of the driveway must be equal to (or higher) than the top of the back of curb elevation. The remainder of the driveway is not regulated by these requirements.
 - b. The driveway approach must meet the back of the depressed curb at an equal elevation. No driveway overlap or overhang is allowed.
 - c. Where a sidewalk crosses a driveway, the sidewalk shall be constructed at a one-fourth inch (1/4") per foot slope towards the street. The elevation of the back of the sidewalk shall satisfy the before mentioned elevation (Sec 10-6-2I).
 - d. The driveway thickness shall be a minimum of six (6) inches (paved surface), including where the sidewalk crosses a driveway, for the section from the back of the curb to the boundary of the right of way.
 - e. Where new curbs are installed as a part of the driveway construction or closure, the curb shall be of the same typical section as the curbs abutting such construction or closure.

- f. Where the street pavement is removed for the construction or removal of the curb or curb cut, said pavement shall be evenly saw cut. The existing street restoration shall be (i) the depth of the existing street or (ii) six (6) inches of bituminous concrete, whichever is greater.
 - g. The contractor conducting the construction described in this Section 10-6-2-J-1 shall be responsible for all construction materials in the driveway, curb and street, as well as traffic control materials.
2. Permit and Fee: Driveway openings shall not be made nor curbs cut for a driveway opening without first having obtained a permit from the Inspection and Code Enforcement Department. The fee for said permit shall be Twenty dollars (\$20.00). The penalty for not obtaining the permit prior to commencing work shall be an additional Fifty Dollar (\$50.00) fee.

K. SIDEWALK ACCESS RAMPS

Sidewalk access ramps for the handicapped shall be constructed in compliance with Illinois Department of Transportation Standard 2356. Ramps shall be constructed at all quadrants of all intersections. All grade and concrete work shall be done in accordance with the "Standard Specifications for Road and Bridge Construction" and as specified herein. Contractor shall supply the Inspector with material tickets and testing results prior to final acceptance and shall call for inspection of subgrade twenty-four (24) hours prior to placing concrete for the sidewalks.

L. STORM SEWERS

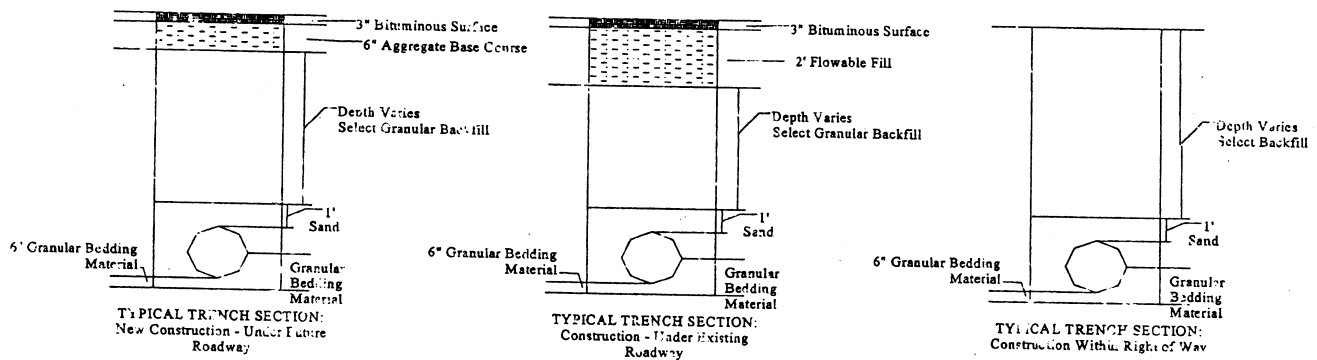
Storm sewers shall be constructed in accordance with the "Standard Specifications for Road and Bridge Construction". Contractor shall supply the Inspector with material tickets and testing results prior to final acceptance and shall call for inspections twenty-four (24) hours prior to placing pipe and/or backfilling.

No subdivision inside the City or within one and one-half (1 1/2) miles outside the City shall be accepted unless storm water sewers (where outlets are available) are provided or arranged for by the Developer, which street sewers shall be installed under City supervision, with plans approved by the City prior to construction.

It is further provided that when any new subdivision submitted for acceptance shall require surface water drainage into an open ditch or waterway, that the said Developer shall furnish at his expense an easement for the City for the use of said open ditch or waterway for its future maintenance and shall do and perform any necessary cleaning, straightening, or preparing said open ditch or waterway to adequately handle the surface water drainage required for said subdivision. The said easement shall contain the actual bed and banks and an adjacent strip of ground ten feet (10') in width for ingress and egress. The easement shall be seeded, sodded and/or provided with some other acceptable erosion protection.

Required Maintenance: As a condition to the acceptance of any subdivision, the person or persons presenting said subdivision for acceptance shall agree to maintain the storm sewers and appurtenances and/or open ditch or waterway in said subdivision for a period of two (2) years from the date of acceptance of the plat or the actual construction of street paving, whichever occurs later.

Trench backfill requirements for both storm and sanitary sewer lines shall be as follows:



TYPICAL TRENCH DETAILS

PEKIN SUBDIVISION CONSTRUCTION DETAIL

M. INLETS TYPE G-1 AND INLET MANHOLES, 4FT. DIAMETER OR GREATER

Installation of all inlets and manholes shall be done in accordance with the "Standard Specifications for Road and Bridge Construction" and as designed on the Approved Construction Plans. For a G-1 inlet, the Contractor may use a Neenah R-3246-A or Jordan 7510 frame and grate, or equivalent material as approved by the City Engineer and/or Director of Public Works. The slots in the grate shall be diagonal (bicycle safe) as shown on the Approved Construction Plans.

Contractor shall supply the Inspector with material tickets and testing results prior to final acceptance and shall call for inspections twenty-four (24) hours prior to placing concrete and/or backfilling.

N. ROADWAY LIGHTING

Under this item the Contractor shall furnish and install the following equipment and materials:

- A. Roadway luminaries, poles, and foundations
- B. Underground polyethylene unit duct and conductors
- C. Lighting control center
- D. Transformer pad and service entrance
- E. Electrical handholes
- F. Concrete encased duct

Lighting levels along the roadway shall not be less than 0.9 foot-candles (fc) average maintained with a uniformity ratio of 7.5:1 (or better) average to minimum. Light pole locations shall be indicated on the Approved Construction Plans and no deviation from these locations shall be permitted without written approval of the City Engineer and/or Director of Public Works, or his/her designated representative.

Contractor shall supply the Inspector with material tickets and testing results prior to final acceptance and shall call for inspections twenty-four (24) hours prior to placing pipe, concrete encasing, and/or backfilling.

The Developer shall have the option of delegating the authority of installing the streetlights to private electrical utilities. The City Engineer shall be responsible for estimating the installation cost as well as the three-year electricity and maintenance cost for the private utility installation. The Developer shall pay this cost to the City at the time the Letter of Credit is submitted.

10-6-3: UTILITIES: No subdivision shall be accepted unless provision is made for alleys and/or utility easements deemed by the Governing Body to be adequate and proper. No subdivision shall be accepted unless gas mains, water mains and electrical distribution lines (wherever the same shall be available) shall be provided or arranged for by the Developer prior to acceptance.

- A. **Sanitary Sewer Districts:** No subdivision shall be accepted involving land located outside the boundaries of a duly constituted sewer district unless the Developer shall pay the City an amount of money to be determined by the Governing Body as payment for the right to connect the sewers in said subdivision to existing sewer facilities in said City. However, in determining the amount to be paid by the Developer, the City Council shall take into consideration the benefits to be received by the property in said subdivision.
- B. **Sanitary Sewers:** No subdivision shall be accepted unless sanitary sewers are installed or arranged for prior to acceptance, pursuant to a valid Illinois Environmental Protection Agency permit and under City supervision. All lateral house connections shall be installed so that they can be connected to the facilities on each lot in the subdivision without entering the travel way of the street and with a cleanout within five (5) feet of the outside of the house foundation. No subdivision shall be accepted unless the following special provisions have been followed.

1. DESCRIPTION OF WORK

The work under these Special Provisions consists of the construction of sanitary sewers and other incidental and collateral work as shown on the plans and as specified herein.

2. SANITARY SEWER CONSTRUCTION

a. GENERAL

The Contractor shall furnish and install all sanitary sewer items in accordance with "Standard Specifications for Water and Sewer Main Construction in Illinois", the Approved Construction Plans, and the requirements stated herein.

b. PIPE MATERIALS AND JOINTS

The types of sewer pipe that shall be permitted on the project are shown on the Approved Construction Plans. Sewer pipe shall meet the appropriate requirements as described herein. Only one type of sewer pipe material shall be permitted between adjacent manholes unless otherwise noted on the Approved Construction Plans.

The allowable classes of pipe are shown on the Approved Construction Plans based on the maximum depth of cover between manholes but may be changed by the City Engineer and/or Director of Public Works or his/her designated representative if the actual elevation of the sewer or final ground line will be significantly different from the Approved Construction Plans.

The Contractor shall submit shop drawings or specification sheets for approval for the type(s) of pipe intended for use and will indicate on the Approved Construction Plans where the pipe will be installed if more than one type of pipe is selected.

I. Ductile Iron Pipe

Ductile iron pipe shall be permitted for use for all diameters of sewer. The maximum depth permitted for the various thickness classes is as follows:

Diameter (Inches)	*Maximum Depth (Feet From Final Grade to Invert)		
	Class 50	Class 51	Class 52
8	46	61	77
10	38	49	59
12	36	43	53
14	33	38	44
16	30	34	40
18	29	32	36
20	27	30	34
24	23	27	30
30	18	21	24

* Based on granular bedding from 4" under pipe to top of pipe (Type 4 laying condition of AWWA Specification C151).

Ductile iron pipe shall meet the requirements of AWWA Specification C151 (latest revision) and joints shall be push-on rubber gasket type or mechanical joint in accordance with AWWA Specification C111 (latest revision). The interior of the pipe shall have a cement mortar lining and bituminous seal coat in accordance with AWWA Specification C104 (latest revision). The outside of the pipe shall be tar coated in accordance with AWWA Specification C151 (latest revision).

II. PVC Pipe

PVC pipe shall meet either the sewer pipe specification or the pressure pipe specification listed below depending on the depth of sewer line installed.

For installation at fifteen (15) feet deep or less, SDR 35 solid wall PVC pipe shall be permitted. Pipe with fifteen (15) inch diameter or smaller shall conform to ASTM Specification D-3034 (latest revision). Joints shall be the slip-on rubber gasket type.

For installation greater than fifteen (15) feet but less than thirty (30) feet deep, PVC sewer pipe as specified in the above paragraph shall be permitted only if a Type B granular cradle is furnished and installed up to twelve (12) inches over the pipe.

For installation at twenty-one feet deep or less, PVC pressure rated pipe shall be permitted. Pipe twelve (12) inches or less in diameter shall meet AWWA Specification C900, DR 25 (latest revision) or shall meet ASTM Specification D2241, SDR 26 (latest revision). Either Type A or Type B granular cradle shall be permitted.

III. ABS and PVC Composite (Truss) Pipe

ABS composite or PVC composite (Truss) pipe and fittings shall be permitted for sewer fifteen (15) inches in diameter or smaller, and for all depths. All ABS or PVC composite pipe shall conform to ASTM Specification D2860 (latest revision).

ABS composite pipe or PVC composite pipe shall be as manufactured by Armco, Inc. or approved equivalent material as approved by the City Engineer and/or Director of Public Works.

Joints shall be the solvent weld type and shall conform to ASTM D2751 (latest revision).

c. INSTALLATION

Sewer installation shall be done in accordance with the recommendations of the manufacturer of the sewer pipe and in accordance with the "Construction Details" of the "Standard Specifications for Water and Sewer Main Construction in Illinois". Installation of the thermoplastic pipe (including PVC and ABS composite pipe) shall be done in accordance with ASTM Specification D2321 (latest revision).

Sewer construction shall include, but not be limited to, saving and restoring the topsoil; dewatering of trench where required; furnishing and installing sewer pipe and fittings; installing selected granular cradle and backfill material; providing and using a laser or other acceptable means to establish and verify grade; backfilling of trenches as required in Section 10-6-2L; testing for deflection and leakage; and disposal of excess excavated materials.

Additional requirements for embedding the sewer during installation shall be as follows:

I. Selection of Type A or Type B Granular Cradle

The City Engineer and/or Director of Public Works or his/her designated representative for each section of sewer based on the following criteria shall make the selection of Type A or Type B granular cradle, as defined elsewhere in these Special Provisions. In general, Type A granular cradle shall be used in areas where the trench bottom is relatively dry and firm, and at locations where the proposed sewer does not involve removing an existing sewer. Type B granular cradle shall be used at locations where the trench bottom is wet (standing or running water) where the bottom is soft or unstable; or where an existing sewer is removed and replaced with the proposed sewer.

II. Embedment of Flexible Pipe

Embedment of flexible pipe shall conform to ASTM Specification D2321 (latest revision). When used to embed flexible sewer pipe, granular cradle Type B shall meet the requirements of Class I embedment material as defined in ASTM D2321 (latest revision). When used to embed flexible sewer pipe, granular cradle Type A and selected granular backfill Type A and Type B shall meet the requirements of Class II embedment material as defined in ASTM D2321 (latest revision).

Granular cradle material shall be utilized from six (6) inches below the pipe to six (6) feet above the springline of the pipe.

Where Type A granular cradle is used, the material shall be compacted in two lifts, by hand or by mechanical means, to eighty-five (85) percent of the Standard Proctor Density. Select granular backfill, Type A or Type B, shall then be placed in two lifts, one to the top of the pipe and a second lift to at least six (6) inches over the top of the pipe for sewers fifteen (15) inches and smaller. For sewers eighteen (18) inches and larger, second lift shall be at least twelve (12) inches over the top of the pipe. Compact each lift by hand or mechanical means to a minimum of eighty-five (85) percent of the Standard Proctor Density.

At the beginning of sewer construction, and periodically thereafter, the Contractor shall have compaction tests performed on Type A granular cradle in place. The Contractor shall utilize the same method of compaction for granular cradle placement throughout the entire project as used to establish the proper compaction at the beginning of the project, unless another method is tried by the Contractor and satisfactorily tested for compaction. Results of the new test shall be submitted to the City Engineer and/or Director of Public Works or his/her designated representative for approval prior to changing.

Where Type B granular cradle is used, little or not compaction is necessary. However, care should be taken to insure that sufficient material has been worked underneath the haunch of the pipe to provide adequate side support. The same material used for Type B granular cradle shall also be placed from the springline to the top of the pipe. When select granular backfill is required above the pipe zone, this material shall be considered Select Granular Backfill either Type A or Type B and placed to at least one foot over the pipe.

Contractor shall supply the Inspector with material tickets and testing results prior to final acceptance and shall call for inspections twenty-four (24) hours prior to placing pipe and/or backfilling.

III. Testing of Sanitary Sewer

The Contractor shall test all installed sanitary sewer lines. All sections shall be required to pass testing. Testing shall be in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois" except as modified herein.

Leakage tests shall be performed after the sewer has been cleaned and trench backfilled. The Contractor shall use either Method A, exfiltration of water, or Method C, exfiltration of air, shall test the sewer. The City Engineer and/or Director of Public Works or his/her designated representative shall determine the appropriate method of leakage testing based on field conditions. The Contractor shall furnish the water to be used for testing when Method A is utilized. If the sewer fails to meet the criteria given in the "Standard Specifications for Water and Sewer Main Construction in Illinois", it shall be repaired or replaced at the Contractor's expense and retested until it meets the specified leakage limits. Pressure grout or concrete encasement will not be acceptable methods of repair of joints.

Deflection tests for flexible sewer pipe shall be required and shall be performed no sooner than thirty- (30) days after the sewer has been installed. Deflection shall not exceed five (5) percent of the base inside diameter. If deflection exceeds the five (5) percent limit the Contractor shall excavate to the area of excess deflection and correct either by tamping around the pipe or replacing the defective section.

Contractor shall call for inspections twenty-four (24) hours prior to performing either the leakage or deflection testing.

d. MEASUREMENT AND MARKING OF ALL SANITARY SEWER LINES

Measurement of sanitary sewers shall be the actual length of pipe installed measured to the nearest foot for each pipe size and depth category.

During installation of all non-metallic sewer pipes, a marking tape, capable of being detected by a standard metal detector, shall be installed one (1) foot above the centerline of the pipe. The location where the sewer line passes under the curb and gutter shall be marked by etching an "X" on the back of the curb at least one quarter ($\frac{1}{4}$) inch deep.

4. GRANULAR CRADLE

a. GENERAL

Granular cradle shall be used for all sanitary sewers constructed in the City.

b. MATERIALS

Materials for granular cradle shall conform to Section 20-2.20 of the "Standard Specifications for Water and Sewer Main Construction in Illinois" and shall be either Type A or Type B. Type B granular cradle shall be crushed rock.

Furthermore, granular cradle material which is used to embed flexible sewer pipe shall also meet the requirements stated in the ASTM Specification D2321 (latest revision) as follows: Type A granular cradle shall meet the requirements of ASTM D2321 Class II embedment material. Type B granular cradle shall meet the requirements of ASTM D2321 Class I embedment material.

Selection of Type A or Type B granular cradle along various sections of the sewer, and placement and compaction of granular cradle for sewers shall be done in accordance with the Special Provision Item "Sanitary Sewer" under the paragraph entitled "Sewer Installation" stated earlier.

Test results of material to be used for granular cradle on this project shall be submitted to the City Engineer and/or Director of Public Works or his/her designated representative for approval prior to be used on the project.

c. MEASUREMENT

Measurement of granular cradle shall be based on the Standard Drawing No. 2 of the "Standard Specifications for Water and Sewer Main Construction in Illinois" and the length and diameter of sewer along which granular cradle has been installed. Where more than six (6) inches depth of granular cradle is required by the Approved Construction Plans, measurement of additional granular cradle will be by length, width, and depth of material in place.

5. SELECTED GRANULAR BACKFILL

a. GENERAL

Under this item the Contractor shall furnish all Labor, materials, and equipment to install granular backfill at the locations shown on the Approved Construction Plans or as directed by the City Engineer and/or Director of Public Works or his/her designated representative.

b. MATERIALS

Selected granular backfill material shall comply with Sections 20-2.21C(2), Type A or Type B, of the "Standard Specifications for Water and Sewer Main Construction in Illinois". Selected granular backfill Type C or Type D shall be allowed from one (1) foot above the pipe up to a point one (1) foot below finished surface grade, but shall not be used below a level of one (1) above the pipe.

c. INSTALLATION

In general, all trenches excavated beneath gravel, flexible bituminous asphalt (bituminous concrete), or concrete surfaces (such as sidewalks, driveways, roads or parking lots) shall have selected granular backfill from the centerline of the pipe to the bottom of the pavement or aggregate base course. Selected granular backfill shall be used between the proposed sewer (or force main) and existing culverts and sewers that cross the trench.

Test results of material which will be used for selected granular backfill shall be submitted to the City Engineer and/or Director of Public Works or his/her designated representative for approval prior to be used on the project.

d. MEASUREMENT

Measurement of selected granular backfill shall be based on the Standard Drawing No. 2 of the "Standard Specifications for Water and Sewer Main Construction in Illinois" and these Special Provisions.

6. EXISTING SEWER OR DRAIN TILE

Wherever existing sewers, culverts, or drain tile lines are encountered during sewer construction, the City Engineer and/or Director of Public Works or his/her designated representative shall be notified immediately to determine whether it is necessary to minimize disturbance to the existing line, restore any portion of the line, or abandon the line. When the existing line crosses over the new line, a section of new pipe shall be installed across the trench with bedding on undisturbed ground on each side of the trench. Connection shall be made to the existing line on each side of the trench.

Where an existing line is running parallel to the new sewer and becomes disturbed, it shall be reconstructed on firm bedding.

7. FINAL JOB ACCEPTANCE

Developer/Contractor shall submit one complete set of red lined drawings and a finalized set of drawings, including the red lines, on a computer disk. Information stored on the disk must be suitable for use with AUTOCAD.

C. Sanitary Sewers Within One and One-Half Miles Outside the City:

1. In all areas inside the City and highly recommended for those areas within one and one-half (1 1/2) miles outside the City where a public sanitary sewer is accessible in front or at the rear or at the side of any proposed subdivision, each lot within the subdivided area shall be provided with a connection to such sanitary sewer. The sewer connection shall terminate not less than two feet (2') inside the underground utilities. The installation of all connections to said public or community sewer shall comply with the standards of the Illinois Environmental Protection Agency with existing ordinances and shall be subject to the approval and inspection of the Director of Public Works and/or City Engineer or his/her designated representative.

2. In proposed subdivisions located within one and one-half (1 1/2) miles beyond the limits of the City, where a public sanitary sewer is not reasonably accessible but where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared by the City, the Developer may be required to install sewers in conformity with such plans. In such cases, until a connection can be made with the public sewer system, the use of a sewage treatment plant will be permitted; provided, such sewage treatment plant is installed in conformance with standards approved by the appropriate County Health Department and other applicable governmental authorities.
3. In proposed subdivisions in which the lots are less than one acre, where sewers are not accessible and no plans for sewers have been prepared, the Developer may be required to install sewer lines and a disposal system in accordance with this Title. If, but only if, the subdivision has been platted into lots having a minimum width of one hundred feet (100') and minimum area of twenty thousand (20,000) square feet each, the Developer may install individual disposal devices for each lot at the time improvements are erected thereon. All such individual sewage disposal systems shall be constructed in accordance with regulations and requirements of the County Health Department and other applicable government authorities.

D. Water Supply:

1. Where a public or community water supply approved by the City is reasonably accessible, each lot within the subdivision shall be provided with a connection to such water supply, said water service to terminate not less than two feet (2') inside the underground utilities. All connections to said public or community water mains shall be subject to the approval and inspection of the water supplier.
2. The Developer may negotiate with the water supplier to share the cost for the installation of required water mains that exceed the normal size requirements for the subdivision in accordance with accepted engineering design practices.
3. If a public water supply is not available in subdivisions located in the unincorporated areas within one and one-half (1 1/2) miles of the limits of the City, individual wells may be installed, provided installation conforms to standards approved by the County Health Department and other applicable governmental authorities.
4. No subdivision shall be accepted unless the "Standard Specifications for Water and Sewer Main Construction in Illinois", current edition, have been followed.

- E. Erosion Control: Measures shall be taken in all subdivisions to assure that new construction, or grading of the subdivision does not create erosion or the washing of sand, silt, soil, gravel or other material on abutting properties or into road ditches, roadways or streets. Any such erosion shall be immediately corrected and persons presenting said subdivision for acceptance shall agree to maintain erosion control and corrective maintenance of erosion for a period of two (2) years from the date of acceptance of the plat or the actual construction of street paving, whichever occurs later.

10-6-4: MISCELLANEOUS IMPROVEMENTS REQUIRED:

A. Monuments:

1. Ferrous metal monuments no less than one-half inch (1/2") in diameter and thirty inches (30") in length (so as not to be affected by frost) shall be placed at all lot corners, intersections of streets, intersections of streets and alleys, beginning and ending of all curves and at points of change in direction of streets, alleys, boundary lines or lot lines. All monuments shall be properly set in the ground before the City for the purpose of recording shall accept the subdivision plat.
2. No less than three (3) concrete or stone monuments of at least four feet (4') in length and no less than four inches (4") square or in diameter shall be set on the peripheral boundaries of a subdivision of five (5) lots or more. The monuments shall be marked with a suitable control point and the top of the monuments shall be flush with the surface of the ground. These monuments shall also be reinforced with at least one ferrous metal rod or pipe.
3. The cost and installation of all monuments shall be borne by the Developer.
4. On lot lines leading to inaccessible lot corners which fall in lakes, ponds, creeks or rivers shall require a monument to be placed not less than twenty feet (20') back from the normal water elevation.

B. Public Walkways: Walkways shall be at least twelve feet (12') in width. Planting pockets shall be provided in public walkways for tree and shrub planting. The planting plan and surface treatment shall meet the approval of the City. Fences or other improvements may also be required if the Governing Body determines they are necessary to protect the adjacent property Proprietors.

C. Trees: the Developer shall preserve Existing trees near street right of way.

D. Street Signs: No subdivision shall be accepted by the City unless appropriate street signs shall be erected or arranged for at each street intersection within the subdivision, the cost of the signs and installation of the same to be paid by the Developer. The type of signs and the location thereof shall be subject to the approval and direction of the Governing Body.

E. Fire Hydrants: No subdivision shall be accepted by said City unless Developer shall have provided the same with proper fire hydrants in a minimum number at locations for proper fire protection in accordance with the approval of the Director of Public Works, and the rental for said fire hydrants shall be paid for by said Developer in advance for a minimum period of three (3) tax years subsequent to acceptance of said subdivision.

- F. Street Lights: No subdivision shall be accepted by said City unless the Developer shall have provided the same with proper street lights in a minimum number and location for proper lighting in accordance with the local elect utility specifications and approval of the Director of Public Works and/or the City Engineer, and the estimated cost to the City for electricity and maintenance of said street lights for a minimum period of three (3) tax years subsequent to the acceptance of said subdivision shall be paid for by said Developer in advance to the acceptance of said subdivision. It is further provided that the Developer shall provide underground wire distribution, and that said Developer, at his cost, shall install all streetlights and wire in accordance with the local electric utility specifications.

10-6-5: CONSTRUCTION INSPECTIONS AND DEVIATIONS FROM THE PLANS AND SPECIFICATIONS:

- A. The City or the designated representative of the City shall have access to the subdivision site at all times to observe the improvements during and after construction.
- B. The Developer shall notify the City at least twenty four (24) hours in advance of any underground construction of improvements.
- C. The Developer shall be responsible for the inspection of all improvements to insure that all construction is done in accordance with City and State Codes and requirements; The Developer shall provide sufficient engineering inspection so that the Developer's engineer can certify that all construction was completed in accordance with the Approved Construction Plans and Specifications.
- D. No significant deviation from the approved Construction Plans and Specifications shall be permitted without the written approval of the City Engineer. In the event of a discrepancy between sets of plans and specifications for the subdivision, the official copy on file with the City shall take precedence.
- E. The Developer shall certify that all improvements have been constructed in accordance with City and State Codes and requirements and with the Approved Construction Plans and Specifications. This certification shall be required for each improvement made prior to the release by the City of the Subdivision Bond, cash deposit or any portion thereof. The Engineer for the Developer shall also certify that all improvements have been constructed in accordance with City and State Codes and requirements and with the Approved Construction Plans and Specifications. This certification shall be required for each improvement made prior to the release by the City of the Subdivision Bond, etc. cash deposit or any portion thereof.
- F. The Contractor or Subcontractor responsible for installing each improvement shall also certify that all improvements have been constructed in accordance with City and State Codes and requirements and with the Approved Construction Plans and Specifications. This certification shall be required for each improvement prior to the release by the City of the Subdivision Bond, etc. cash deposit or any portion thereof.
- G. **RESTORATION**
Where public or private property has been damaged, the Contractor shall restore such property to a condition equal to what was existing before the construction took place by repairing,

rebuilding, or replacing it as may be required or directed by the City Engineer, Director of Public Works, or his/her designated representative. This includes but is not limited to fertilizing, seeding, and matting of excavated areas. All other areas within the limits of this project not covered with a hard surface (concrete or bituminous) shall be covered with a black dirt, fertilizer, seed, and straw.

All unpaved disturbed areas within the proposed street right of way shall be seeded in accordance with Section 250 of the "Standard Specifications for Road and Bridge Construction". The seeding shall be Roadside Mixture, Class 2 and shall receive fertilizer nutrients at the following rates:

A.	Nitrogen Fertilizer Nutrient	100 lbs/acre
B.	Phosphorus Fertilizer Nutrient	100 lbs/acre
C.	Potassium Fertilizer Nutrient	100 lbs/acre

H. **FINAL JOB ACCEPTANCE**

Developer/Contractor shall submit one complete set of red lined drawings and a finalized set of drawings, including the red lines, on a computer disk. Information stored on the disk must be suitable for use with AUTOCAD.

10-6-6: **SPECIAL PROVISIONS FOR RESIDENTIAL R.E. ONE FAMILY RESIDENTIAL ESTATE DISTRICT:**

- A. The provisions of this Section 10-6-6 shall apply only to Residential R.E. One Family Residential Estate Districts. Except as provided in this Section, all other provisions of this Chapter apply to Residential R.E. One Family Residential Estate District. For the purposes of this Section, the term "Subdivision" shall include that portion of any subdivision that is zoned R.E.
- B. Number of Lots: Each subdivision within an R.E. Zoning District shall have twenty-five (25) or more buildable lots in each phase.
- C. Minimum Lot Size: Each lot shall be a minimum of 15,000 square feet. The average of all buildable lots within a subdivision shall be 20,000 square feet. When computing said average of all buildable lots within a subdivision, a lot size of 28,000 square feet shall be used for any lot having more than 28,000 square feet.
- D. Drainage:
 - 1. The Subdivision shall have watersheds (e.g., lakes, wetlands, etc.) and/or natural or existing streams which shall be capable of carrying or detaining the runoff for the entire Subdivision. Such watersheds or streams must be within or abutting the Subdivision. All such streams and/or lakes, with all contours, shall be shown on the preliminary plat for the Subdivision.

2. Drainage from the roads and properties within the City's right of way shall be paved or hard surfaced if the grade is more than 5%.
- E. Maintenance Guarantee: Prior to the acceptance by the City of improvements, a four (4) year maintenance guarantee in an amount set by the Governing Body shall be posted by the proprietor.
- F. Street Lights: The Subdivision shall have one streetlight at each intersection within the Subdivision.
- G. Yard Lights: Each lot or parcel shall have a minimum of one yard light as follows:
1. Each light shall have a minimum of 100-watt illumination.
 2. Each light shall be controlled by a photoelectric cell.
 3. Each light shall be located no more than 15 feet from the front property line. Corner lots may have one yard light in either front yard.
- H. Streets: The following provisions shall apply to streets entirely within an R-E zoning district. If one side of the street is zoned other than R-E, then these provisions do not apply.
1. Street Width: Streets shall have a minimum width of twenty-four (24) feet of hard surface pavement. Rights of way shall be sixty (60) feet wide.
 2. Street Surface: Streets shall be surfaced with an aggregate base course, type B foundation with a minimum thickness of (8) eight inches when thoroughly compacted and with a Bituminous Concrete Surface Course Class I surface of (3) three inches (or compatible P.C.C. pavement structural design) as defined by the Illinois Department of Transportation, or its equivalent, approved by the Governing Body. The City Engineer and/or Director of Public Works must approve a structural pavement design for non-residential streets (i.e., collectors, arterials or truck routes).
 3. Curbs and gutters: Streets shall have a "V" curb or a five (5) foot wide gravel or sod turf shoulder on each side. If the streets have no curb and gutter, then open drainage swales along all public roadways are permitted, provided that direct drainage to the lakes or streams shall be constructed to prevent erosion. A grading plan and storm water runoff plan shall be established and submitted to the City for approval. The Subdivision covenant restrictions recorded prior to the sale of any lots in the Subdivision shall require the homeowners to maintain the swales on all rights of way up to the hard surface on the streets. Sections of any open drainage swales and any piping under the streets shall be shown on the preliminary plat. Drainage swales shall not be filled with pipe or other materials without the written approval of the Public Works Director, the City Engineer, or his/her designated representative. Developer or resident requesting a change in the drainage swale shall submit a plan showing what is proposed for the swale and all applicable calculations of drainage flow.

4. Plat to Show Details: The preliminary plat shall show all sections and details regarding the transition from an existing curb and gutter street to a new section of street with no curbs or gutters.
- I. Sidewalks or Pathways: The Subdivision must use either a linked pathway system or a sidewalk located on both sides of the street.
1. If pathways are used, the pathway shall be at least ten (10) feet in width and a minimum of four (4) inches of rolled crushed rock. The Proprietor of the lot or the homeowners association shall maintain pathways.
 2. If sidewalks are used, sidewalks shall be at least four (4) feet in width. The City shall maintain sidewalks. Details and sections of sidewalks and where they will connect to the streets must be shown on the preliminary plat.
 3. All sidewalks and pathways shall be open to the public. The director of public works shall approve pathways and sidewalks.
- J. No Parking: No parking shall be permitted on streets in the Subdivision during the hours of 11:00 p.m. to 7:00 a.m.
- K. Sewer and Water Hookup: All lots in the Subdivision shall hook up to the City sanitary sewer and to the existing water system serving the City generally.
- L. Open Space:
No lots for building are allowed within the first one hundred feet (100') from any road that abuts the subdivision. This shall be open or common area only. If the natural existing landscaping meets the minimum landscaping listed below, no additional landscaping in this area of the subdivision will be required.
1. Abutting any exterior road there shall be a minimum of one (1) tree, 3" (3 inch) diameter, planted approximately every thirty (30) lineal feet in addition to grass, bushes, plantings, decorative rocks or bark chips.
 2. Trees shall be placed in such location and/or of a limited growth species so as to prevent interference with any existing or potential future overhead utility lines.
 3. Any scrub treatment shall be in the form of a deciduous hedge, in a continuous alignment spaced three (3) feet on the center with height of three (3) feet, at the time of planting.
 4. Earthen berms, if included, shall be of grass or wood chip cover and be a minimum of three (3) feet in height from surrounding grade.
 5. Landscaping materials shall be selected and placed so that the safe and enjoyable use of surrounding properties is not inhibited.

6. Landscaping with thorns, berries, and other harmful plant characteristics shall be carefully placed to avoid potential harm to people or property on-site or off-site.
7. Maintenance shall be the responsibility of the Homeowners Association, or Proprietor, to maintain in a neat, clean, and adequate manner the landscaping, buffer zones and/or berms. Failure to do so and to remedy any violations within thirty (30) calendar days of receipt of written notice from the City shall be considered a finable offense under the City of Pekin Municipal Code.
8. All landscaping shall be submitted on the preliminary plat to the Planning Commission for approval.

M. Buffer Zones:

1. In any RE zoning district, there shall be a minimum of one hundred (100') feet from all rear and side property lines that abut subdivision boundaries, for an open or common area, or paths. If there are paths or walkways in this area, they must abut the inner lot line of the property.
2. In any RE zoning district, there shall be a one-hundred foot (100') open or common area between the RE Zoning District and any other zoning district other than a single-family zoning district. There shall be a two hundred feet (200') open or common area between an RE district and any non-single family zoning districts.

N. Trees:

Existing trees near street right of way and within the subdivision shall be preserved by the Developer.

CHAPTER 7

VARIANCES

SECTION:

10-7-1: Variance for Hardship

10-7-2: Variance for Complete Community

10-7-1: VARIANCE FOR HARDSHIP: The Governing Body may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance and provided the variance does not pertain to the requirements of the Zoning Title. In granting any variance, the Governing Body shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Governing Body shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of person to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Governing Body finds that:

- A. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Title would deprive the applicant of the reasonable use of his land.
- B. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

10-7-2: VARIANCE FOR COMPLETE COMMUNITY: The Governing Body may authorize a variance from these regulations in case of a plan for a complete community where such development is permitted by the Zoning Title.

CHAPTER 8

FEES AND FLOW CHARTS

SECTION:

10-8-1: Fees and Security Requirements

10-8-2: Flow Charts

10-8-1: **FEES AND SECURITY REQUIREMENTS:** See following page for Table A.

10-8-2: **Flow Charts:** See final pages of this Chapter for Stages I through IV set forth on the flow charts. 10-8-1 **SUBDIVISION FEES AND SECURITY REQUIREMENTS**¹

Table A (Ordinance 10/25/2004)

	Section of Title 10	City Administrative or Staff Charges	Planning	Engineering	Legal
<u>Area General</u>					
<u>Preliminary Plat Review Fees</u>					
	10-4-3	\$50.00	\$150.00 + 1.00/acre	\$250.00 + \$1.50/acre	\$50.00
	10-4-4A3	--	--	--	--
1. Conventional Subdivision Plats (major redesign)	--	\$50.00	\$150.00 + \$2.00/lot	\$500.00 + .15/lin. ft. of St.	\$75.00
	--	--	\$100.00 + \$1.25/lot	\$250.00 + .10/lin. ft. of St.	\$50.00
2. Multiple-Family Residential Plats (major redesign)	--	\$50.00	\$200.00 + \$2.50/lot	\$600.00 + .15/lin. ft. of St.	\$75.00
	--	--	\$125.00 + \$1.50/lot	\$300.00 + .10/lin. ft. of St.	\$50.00
3. Planned Residential Development (PRD):	--	\$50.00			
- Single-Family (first submittal)	--	--	\$350.00 + \$1.50/d.u.	\$550.00 + .15/lin. ft. of St.	\$100.00
- Multiple-Family (first submittal)	--	--	\$450.00 + \$2.00/d.u.	\$650.00 + .15/lin. ft. of St.	\$100.00
<u>Construction Drawing Review Fees</u>					
Fees cover the review of drawings other than residential submitted to the City.					
	10-4-5A	\$50.00	None	\$50.00 first \$10,000 value \$5/\$1,000 value over \$10,000	None
	10-4-6A	\$50.00	None	\$50.00	None
<u>Final Plat Review Fees</u>					



STAGE III CONSTRUCTION PLANS

DEVELOPER PREPARES CONSTRUCTION PLANS AND COST ESTIMATES - SUBMITS 7 SETS TO CITY CLERK. IF OPEN SPACE OR P.R.D. SUBDIVISION - DRAFT OF LEGAL DOCUMENT ALSO IN 7 COPIES

CLERK SEND PLANS TO ENGINEER FOR REVIEW. IF OPEN SPACE OR P.R.D. SUBDIVISION 1 COPY OF OPEN SPACE PLAN & COST ESTIMATE TO PLANNER & 1 COPY OF LEGAL DOCUMENTS NECESSARY FOR OPEN SPACE TO ATTORNEY.

ENGINEER, PLANNER & ATTORNEY REVIEW AS NECESSARY AND MAKE RECOMMENDATIONS TO CITY. DEVELOPER NOTIFIED OF APPROVAL, DISAPPROVAL OR OF CORRECTIONS NEEDED WITHIN 60 DAYS OF INITIAL SUBMITTAL

STAGE IV FINAL PLAT

DEVELOPER SUBMITS 2 PERMANENT COPIES AND 7 PRINTS OF FINAL PLAT TO CITY CLERK FOR PRELIMINARY CHECK

IF PRELIMINARY CHECK IS O.K. DEVELOPER SUBMITS 4 PERMANENT COPIES AND 3 PAPER PRINTS WITH FILING FEE TO CLERK. DEVELOPER SUBMITS LETTERS FROM UTILITY COMPANIES RE: UTILITY EASEMENT REQUESTS

FINAL PLAT PROCESSED & SENT TO ENGINEER FOR REVIEW.

CONSTRUCTION INSPECTION FEE PAID BASED ON CONSTRUCTION ESTIMATE. SEWER CONNECTION FEE PAID. ACCEPTABLE GUARANTEE FOR COMPLETION OF IMPROVEMENTS IS MADE. 2 YR. MAINTENANCE GUARANTEE IS MADE. RENTAL FOR FIRE HYDRANTS IS PAID. STREET LIGHT MAINTENANCE FEE IS PAID.

PLAT SENT TO CITY COUNCIL ACTION TAKEN BY COUNCIL & RECORDED BY CITY WITHIN 60 DAYS FROM DATE OF FILING

CITY SENDS PLAT TO INTERESTED PARTIES

(Ord. 1492, 11-8-81, eff. 12-1-81)

City of Peoria

ORDINANCE NO. 1462-A 249

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 4, SECTION 3 F.
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING HANDICAPPED SPACES LIST**

WHEREAS, the Code of the City of Pekin 1995 was adopted on April 10, 1995, and duly published in book form;

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City Code regarding handicapped spaces.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS:

1. That Title 8, Chapter 4, Section 3. F be amended by deleting the existing subsection F. in its entirety, and inserting the attached hereto subsection F. and incorporated herein by this reference.

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as required by law.

PASSED AND APPROVED at the regular meeting of the City Council of the City of Pekin,
this _____ day of _____, 2006; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

F. The following areas are designated as handicapped parking areas:
(Ord No. 1462-A249 02-13-06)

Control	On Street	At or From	To	Direction	Location
Handicapped	Capitol Street	Court Street	Margaret Street	North	1st space N of Court St.
Handicapped	Court Street	N. Fifth Street	N. Fourth Street	West	1st space east of N 4th St.
Handicapped	Court Street	N. Third Street	N. Second Street	West	1st space E of Second St.
Handicapped	Elizabeth Street	S. Capitol Street	Elizabeth Street	East	4 th space E of S Capitol
(Ord. No. 1462-A241 10/24/05)					
Handicapped	N. Nineteenth St	Broadway Road	Market Street	North	1st space appr. center of blk
Handicapped	Park Avenue	226'E. of 13th Street	256' E. Of 13th St.	West	1 space by Pekin Hospital
Handicapped	S. Sixth Street	Broadway Road	St. Joseph Place	South	1 spaces W side str by PO
Handicapped	Sabella Street	Broadway Road	S. Capitol Street	West	1st space E of S Capitol/Elks
Handicapped	St. Mary Street	S. Fourth Street	S. Capitol Street	West	1st space W of S 4th/Herget
Handicapped	Capitol Street	Sabella Street	by City Hall	North	(2 spaces) 195' and 225' West
Handicapped	Sabella Street	Capitol Street	by City Hall	West	(2 spaces) 90' and 120' North
Handicapped	Capitol Street	Elizabeth Street	by Justice Center	South	(1 space) 20' South

PARKING LOTS

Handicapped	Water Street	Foot of Court Street	North-South	as marked in parking lot
Handicapped	Parking Lot A			3 spaces #800, 835, 836
Handicapped	Parking Lot B			1 space #313
Handicapped	Parking Lot E			3 spaces #21, 22, 23

ORDINANCE NO. 1462-A250

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, SECTIONS 9 AND 11
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING AUTHORIZED STOP SIGNS AND THROUGH STREETS**

WHEREAS, the Code of the City of Pekin 1995 was adopted on April 10, 1995, and duly published in book form;

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City Code regarding authorized stop signs and designating through streets.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS:

2. That Title 8, Chapter 2, Section 11 be amended by adding the following Through Street area:

<u>Control</u>	<u>On Street</u>	<u>At or From</u>	<u>To</u>
Through	Deerfield Drive	South Fifth Street	eastern city limits
Through	Petri Lane	South Fifth Street	eastern city limits

3. That Title 8, Chapter 2, Section 9 be amended by adding the following stop signs:

<u>Control</u>	<u>On Street</u>	<u>At or From</u>	<u>Direction</u>
Stop	Buckhaven Street	Fawnridge Lane	East
Stop	Meadow Lane	Buckhaven Street	North

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as required by law.

PASSED AND APPROVED at the regular meeting of the City Council of the City of Pekin, this _____ day of _____, 2006; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

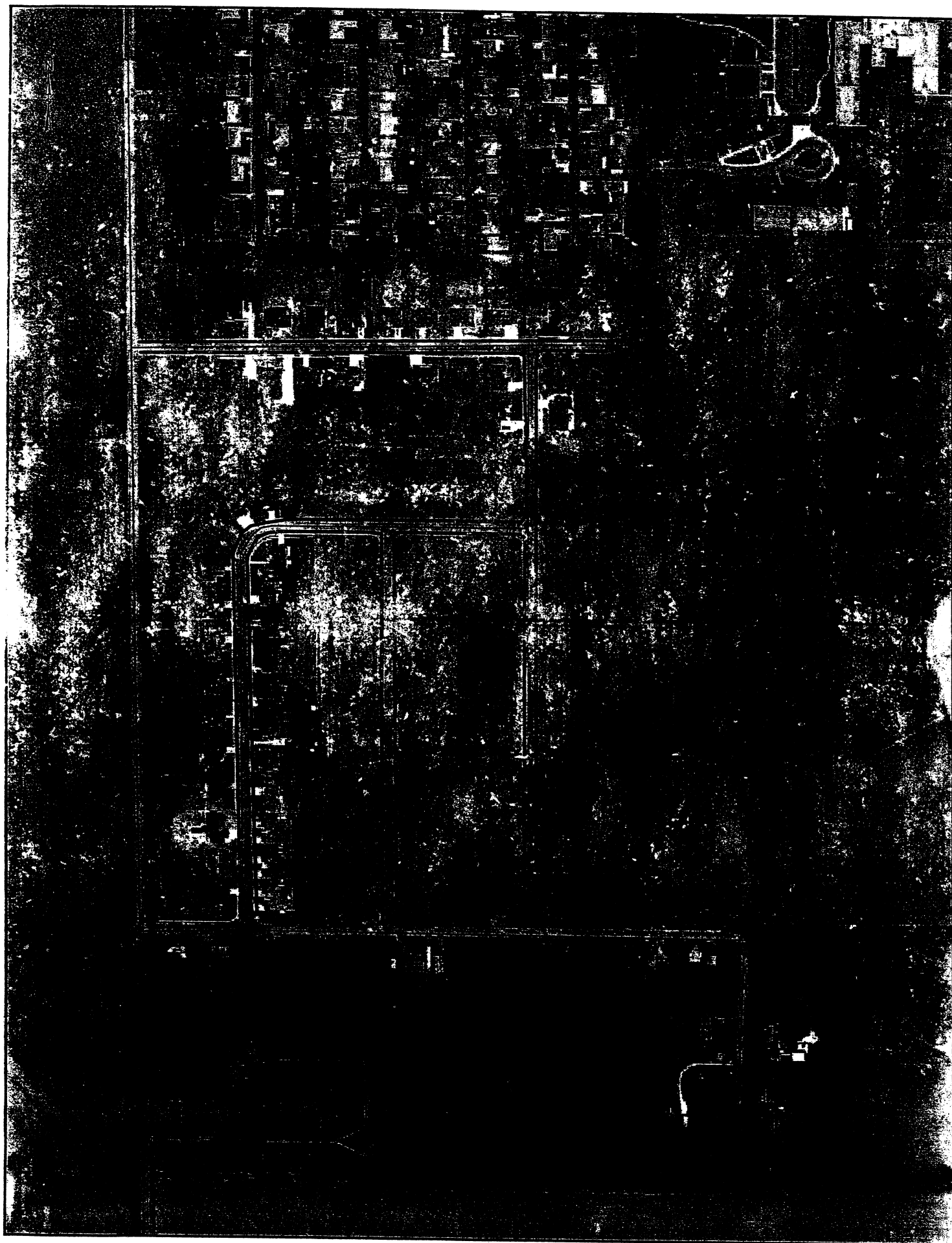
ABSTAINING:

APPROVED this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk



G. Traffic-control signals shall be installed at the following locations:

Control	On Street	At or From
Traffic Signal	Ann Eliza Street	Second Street
Traffic Signal	Ann Eliza Street	Third Street
Traffic Signal	Ann Eliza Street	Fifth Street
Traffic Signal	Broadway Road	Eighth Street
Traffic Signal	Broadway Road	Eleventh Street
Traffic Signal	Broadway Road	Parkway Drive
Traffic Signal	Broadway Road	Veterans Drive (Ord. No. 1462-A214)
Traffic Signal	Commercial Drive	Veterans Drive (Ord. No. 1462-A224)
Traffic Signal	Court Street	Capitol Street
Traffic Signal	Court Street	Fourth Street
Traffic Signal	Court Street	Fifth Street
Traffic Signal	Court Street	Broadway Road
Traffic Signal	Court Street	Eighth Street
Traffic Signal	Court Street	Tenth Street
Traffic Signal	Court Street	Fourteenth Street
Traffic Signal	Court Street	Parkway Drive
Traffic Signal	Court Street	Allentown Road
Traffic Signal	Court Street	Valle Vista Blvd.
Traffic Signal	Court Street	Barney Avenue
Traffic Signal	Court Street	Mall Entrance
Traffic Signal	Court Street	Veteran's Drive
Traffic Signal	Margaret Street	Second Street
Traffic Signal	Margaret Street	Third Street
Traffic Signal	Margaret Street	Fourth Street
Traffic Signal	Margaret Street	Fifth Street
Traffic Signal	Margaret Street	Capitol Street
Traffic Signal	Parkway Drive	Route 98
Traffic Signal	Parkway Drive	UAW
Traffic Signal	Route 29	Route 98
Traffic Signal	Second Street	Derby Street
Traffic Signal	Second Street	Koch Street
Traffic Signal	Second Street	Manito Blacktop
Traffic Signal	Eighth Street	Sheridan Road

8-2-3: **FLASHING SIGNALS:** Whenever an illuminated flashing red or yellow signal is used on conjunction with a traffic-control device, it shall require obedience by vehicular traffic as follows:

- A. **Flashing Red (Stop Signal):** When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line but if none, before entering the crosswalk on the near side of the intersection or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

- B. Flashing Yellow (Caution Signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

This section does not apply at railroad grade crossings.

8-2-4: LANE-CONTROL SIGNALS: Whenever lane-control signals are used in conjunction with official signs, they shall have the following meanings:

- A. Downward-Pointing Green Arrow: A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise, he shall obey all other traffic controls present and follow normal, safe driving practices.
- B. Red X Symbol: A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise, he shall obey all other traffic controls and follow normal safe driving practices.
- C. Yellow X (Steady): A driver facing this indication should prepare to vacate the lane over which the signal is located in a safe manner to avoid, if possible, occupying that lane when a steady red X is displayed.
- D. Flashing Yellow Arrow: A driver facing this indication may use the lane only for the purpose of approaching and making a left turn.

8-2-5: PEDESTRIAN-CONTROL SIGNALS: Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or the illuminated symbols of a walking person or an upraised palm are in place, such signals shall indicate as follows:

- A. Walk or Walking Person Symbol: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- B. Don't Walk or Upraised Palm Symbol: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partly completed his crossing on the "Walk" signal or walking person symbol shall proceed to a sidewalk or safety island while the "Don't Walk" signal or upraised palm is illuminated, steady, or flashing.

8-2-6: OBEDIENCE TO AND COMPLIANCE WITH TRAFFIC-CONTROL DEVICES:

- A. It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities and in accordance with the laws of the State of Illinois, excepting on direction of a police officer, subject to the exceptions granted the driver of an authorized emergency in this title.
- B. It shall be unlawful for any person to drive a motor vehicle upon or across any private or public property for the purpose of evading an official stop sign, other official traffic-control device or a police officer directing traffic.

8-2-7: **UNAUTHORIZED SIGNS:** No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be, or is in imitation of or resembles an official traffic-control device or railroad sign or signal or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

Any such unauthorized sign, signal, marking or device is hereby declared to be a public nuisance, and may be removed by any policeman or any other person duly authorized by the City Council.

8-2-8: **INTERFERENCE WITH OR DAMAGE TO SIGNS, SIGNALS OR MARKINGS:**

- A. No person shall, without lawful authority, attempt to or, in fact, alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof.
- B. It shall be unlawful for any person to willfully injure or damage any public highway or street or any bridge, culvert, sign, signpost, or structure upon or used or constructed in connection with any public highway or street for the protection thereof or for protection or regulation of traffic thereon by any willful, unusual, improper or unreasonable use thereof or by willful careless driving or use of any vehicle thereon or by willful mutilation, defacing or destruction thereof.
- C. It shall be unlawful for the driver of any vehicle to drive on or across any freshly painted roadway marking when such marking is clearly evidenced to still be wet by virtue of painting equipment in operation upon or near said markings. The temporary placement of marking cones or similar devices along or upon any pavement marking shall similarly give evidence that such markings are wet.

8-2-9: **AUTHORIZED STOP SIGNS:** All vehicular traffic shall come to a stop on the streets described as follows:

Control	On Street	At or From	Direction
Stop	Amanda Street	Earl Street	East
Stop	Ann Eliza Street	N. Ninth Street	West
Stop	Arlann Drive	North Shore Drive	North
Stop	Bacon Street	Walnut Street	South
Stop	Belmont Drive	Glendale Avenue	West
Stop	Black Street	Meyers Court	North-South
Stop	Broadway Road	N. Fourteenth Street	West
Stop	Broadway Road	S. Fifth Street	East-West
Stop	Broadway Road	S. Fourteenth Street	East
Stop	Broadway Road	S. Fourth Street	East-West
Stop	Broadway Road	Third Avenue	East-West
Stop	Brookdale Lane	Knollcrest Avenue	East
Stop	Brookdale Lane	Maywood Avenue	East

Stop	Buckhaven Street	Fawnridge Lane	East
		(Ord. No. 1462-A250 02-13-06)	
Stop	Charles Street	S. Tenth Street	East-West
Stop	Charlotte Street	N. Third Street	East-West
Stop	Charlotte Street	Willow Street	West
Stop	Columbus Drive	Valentine Drive	North-South
Stop	Court Street	N. Third Street	West
Stop	Court Street	S. Third Street	East
Stop	Crescent Drive	Coolidge Drive	North-South
Stop	Crestview Drive	Glendale Avenue	West
Stop	Cynthiana Street	Front Street	West
Stop	Derby Street	S. Fifth Street	East-West
Stop	Derby Street	S. Fourteenth Street	East
Stop	Derby Street	S. Seventh Street	East-West
Stop	Derby Street	S. Tenth Street	East-West
Stop	El Camino Drive	S. Fourteenth Street	East-West
Stop	Elizabeth Street	Front Street	West
Stop	Elizabeth Street	S. Third Street	West
Stop	Enterprise Drive	Riverway Drive	East
Stop	Executive Court	S. Fourteenth Street	East
Stop	Fox Point Court	Point East Court	North
Stop	Front Street	Broadway Road	North-South
Stop	Front Street	Fayette Street	South
Stop	Georgetown Place	Arlington Circle	East
Stop	Gingoteague Way	Alameda Court	East
Stop	Gingoteague Way	S. Fourteenth Street	West
Stop	Glendale Avenue	Sunset Drive	North-South
Stop	Greenbrook Street	Cherry Lane	South
Stop	Hardt Court	Gingoteague Way	East
Stop	Heilman Street	Sapp Street	North
Stop	Hemlock Street	Schramm Drive	East
Stop	Herget Street	Sapp Street	East-West
Stop	Highland Avenue	S. Eleventh Street	West
Stop	Highland Avenue	S. Tenth Street	East
Stop	Highland Avenue	S. Twelfth Street	East-West
Stop	Highwood Avenue	Crestview Drive	North
Stop	Hillcrest Street	Glendale Avenue	East
Stop	Jessica Court	Vista Grande Drive	South
Stop	Kelly Avenue	Veterans Drive	West
Stop	Koch Street	S. Eighteenth Street	East
Stop	Koch Street	S. Fifth Street	East-West
Stop	Koch Street	S. Fourteenth Street	East-West
Stop	Lakecrest Street	Brenkman Drive	North-South
Stop	Lighter Street	Manor Street	East-West
Stop	Lucille Street	Sycamore Street	West
Stop	Main Street	Fayette Street	North

Stop	Main Street	Washington Street	North-South
Stop	Mall Road	Court Street	North
Stop	Margaret Street	N. Thirteenth Street	East
Stop	Market Street	N. Nineteenth Street	East-West
Stop	Maryland Court	Arlington Circle	West
Stop	Maywood Avenue	Redwood Drive	West
Stop	Meadow Lane	Buckhaven Street	North
		(Ord. No. 1462-A250 02-13-07)	
Stop	Mechanic Street	Elm Street	North-South
		(Ord. No. 1462-A234 07/25/05)	
Stop	Melvina Street	Dell Avenue	East
Stop	Meyers Court	S. Thirteenth Street	East-West
Stop	Monticello Court	Tharp Street	North
		(Ord. No. 1462-A 232 03/14/05)	
Stop	Nighthawk Court	Eagle Bend	South
Stop	N. Capitol Street	Ann Eliza Street	North
Stop	N. Capitol Street	Charlotte Street	North
Stop	N. Eighth Street	N. Fifth Street	North
Stop	N. Eleventh Street	Coolidge Drive	North-South
Stop	N. Eleventh Street	Willow Street	North-South
Stop	N. Fifteenth Street	Henrietta Street	North-South
Stop	N. Fourteenth Street	Broadway Road	South
Stop	N. Fourteenth Street	Sheridan Road	North-South
Stop	N. Fourteenth Street	Willow Street	North-South
Stop	N. Sixteenth Street	Charlotte Street	North-South
Stop	N. Sixteenth Street	State Street	South
Stop	N. Thirteenth Street	Henrietta Street	North-South
Stop	N. Twelfth Street	Amanda Street	North-South
Stop	N. Twelfth Street	Ann Eliza Street	North-South
Stop	N. Twelfth Street	Henrietta Street	North-South
Stop	N. Twelfth Street	Margaret Street	North-South
Stop	Norwood Avenue	Belmont Drive	North
		(Ord. No. 1462-A240 10/24/05)	
Stop	Oakwood Drive	St. Clair Drive	East
Stop	Orr Avenue	Entrance Drive	East-West
Stop	Oxford Avenue	S. Ninth Street	East-West
Stop	Oxford Avenue	S. Tenth Street	East-West
Stop	Park Avenue	S. Fourteenth Street	East-West
Stop	Park Avenue	S. Tenth Street	East-West
		(Ord. No. 1462-A240 10/24/05)	
Stop	Park Avenue	Sheridan Road	North-South
Stop	Pine Street	Schramm Drive	West
Stop	Point East Court	Cherry Lane	North
Stop	Potomac Court	Tharp Street	South
		(Ord. No. 1462-A 232 03/14/05)	
Stop	Powers Avenue	Gunion Avenue	East

Stop	Prince Street	S. Tenth Street	East-West
Stop	Quail Hollow Road	El Camino Drive	West
Stop	Roberts Drive	Orr Avenue	North
Stop	Rosemary Road	S. Fourteenth Street	East
Stop	Rosemary Road	Verbena	North
Stop	Rosemary Road	Verbena	South
Stop	Rosemary Road	Primrose	North
Stop	Rosemary Road	Primrose	South
Stop	Rosemary Road	Hollyhock	North
Stop	Rosemary Road	Hollyhock	South
Stop	Rosemary Road	Chicory	North
Stop	Rosemary Road	Chicory	South
Stop	Royal Avenue	S. Eleventh Street	West
Stop	Royal Avenue	S. Tenth Street	East
Stop	Royal Avenue	Woodland Street	East
Stop	S. Eleventh Street	Royal Avenue	South
Stop	S. Fifth Street	Koch Street	North-South
Stop	S. Fourteenth Street	Derby Street	North-South
Stop	S. Fourteenth Street	Park Avenue	North-South
Stop	S. Fourth Street	Broadway Road	South
Stop	S. Fourth Street	Washington Street	South
Stop	S. Ninth Street	Prince Street	North-South
Stop	S. Seventh Street	Derby Street	North-South
Stop	S. Tenth Street	Derby Street	North-South
Stop	S. Third Street	Broadway Road	North
Stop	S. Thirteenth Street	Pekin Hospital Crossing	North-South
Stop	S. Fourteenth Street	VFW Road	North-South
Stop	Sabella Street	Front Street	West
Stop	Sharon Street	Hilltop Drive	West
Stop	Sheridan Road	N. Fourteenth Street	East-West
Stop	Sheridan Road	Parkway Drive	East-West
Stop	Shire Avenue	Oxford Avenue	North
Stop	Sierra Drive	St. Clair Drive	North
Stop	Sommerset Street	N. Third Street	North
Stop	Sommerset Street	Sheridan Road	South
Stop	St. Clair Drive	Sierra Drive	East
Stop	St. Clair Drive	Summit Drive	North-South
Stop	St. Joseph Place	S. Sixth Street	West
Stop	St. Mary Street	Front Street	West
Stop	Stadium Drive	East Campus Hill Road	North-South
Stop	State Street	Parkway Lane	East
Stop	Stratford Avenue	S. Tenth Street	West
Stop	Sunset Drive	Glendale Avenue	East-West
Stop	Susannah Street	Front Street	West
Stop	Tharp Street	Arlington Circle	East
Stop	Valencia Place	Valle Vista Blvd.	East

Stop	Valentine Drive	Columbus Drive	East-West
Stop	Valle Vista Blvd.	Griffin Drive	South
Stop	Veterans Drive	Court Street	South
Stop	VFW Road	S. Second Street	West
Stop	VFW Road	S. Fourteenth Street	East-West
Stop	Village Court	Vista Grande Drive	South
Stop	Vista Grande Drive	S. Fourteenth Street	West
Stop	Washington Street	S. Eighth Street	East-West
Stop	Washington Street	Tenth Street	East-West
Stop	Washington Street	Third Avenue	West
Stop	Willow Street	N. Capitol Street	East-West
Stop	Willow Street	N. Eighth Street	West
Stop	Willow Street	N. Eleventh Street	East-West
Stop	Willow Street	N. Fifth Street	East
Stop	Willow Street	N. Fourteenth Street	East-West
Stop	Willow Street	Parkway Drive	East-West

8-2-10: Authorized Yield Right-of-Way Signs: The following intersections are hereby designated as intersections at which preference to traffic is given on certain streets and at which intersections "yield-right-of-way" signs shall be installed. Traffic on the first named street in each paragraph shall yield the right-of-way at the intersection with the streets named thereafter in that paragraph.

Control	On Street	At or From	Direction
Yield	Anna Street	Jerome Street	East-West
Yield	Bacon Street	McLean Street	North-South
Yield	Bacon Street	Park Avenue	North-South
Yield	Bacon Street	Prince Street	North-South
Yield	Center Street	S. Thirteenth Street	West
Yield	Charles Street	Howard Court	East-West
Yield	Charles Street	Janssen Street	East-West
Yield	Charles Street	S. Eighth Street	East-West
Yield	Charles Street	S. Ninth Street	East-West
Yield	Charles Street	S. Seventh Street	East-West
Yield	Charles Street	S. Sixth Street	West
Yield	Charles Street	Summer Street	East-West
Yield	Chestnut Street	N. Ninth Street	East-West
Yield	Chestnut Street	N. Tenth Street	East-West
Yield	Cooper Street	Sapp Street	West
Yield	Fisher Street	Jerome Street	East-West
Yield	Frontage N. Eighth	Brenkman Drive	North-South
Yield	Frontage N. Eighth	Velde Drive	North-South
Yield	Garden Street	Center Street	North-South
Yield	Hawthorne Avenue	Maywood Avenue	South
Yield	Herman Street	Bacon Street	East-West
Yield	Herman Street	Mechanic Street	West

Yield	Herman Street	S. Capitol Street	East-West
Yield	Herman Street	S. Fourth Street	East-West
Yield	Herman Street	Summer Street	East-West
Yield	Hillyer Street	S. Eighth Street	East
Yield	Hillyer Street	S. Seventh Street	East-West
Yield	Hillyer Street	S. Sixth Street	West
Yield	Illinois Street	N. Fifth Street	East-West
Yield	James Street	S. Eighteenth Street	West
Yield	Lake Street	Jerome Street	East-West
Yield	Loretta Road	Jerome Street	East-West
Yield	Martha Street	S. Thirteenth Street	West
Yield	Mary Street	N. Fifth Street	East-West
Yield	Mary Street	N. Ninth Street	East-West
Yield	Mary Street	N. Tenth Street	East-West
Yield	Matilda Street	N. Fifth Street	East-West
Yield	McLean Street	Bacon Street	East
Yield	McLean Street	S. Eighth Street	East-West
Yield	McLean Street	S. Ninth Street	East
Yield	McLean Street	S. Sixth Street	East-West
Yield	McLean Street	Summer Street	East-West
Yield	Monge Street	Commonwealth Drive	North-South
Yield	N. Eighteenth Street	Market Street	North
Yield	N. Fifth Street	Amanda Street	North-South
Yield	N. Fifth Street	Chestnut Street	North-South
Yield	N. Ninth Street	Illinois Street	North-South
Yield	N. Ninth Street	Lawndale Avenue	North-South
Yield	N. Ninth Street	St. Julian Street	North-South
Yield	N. Seventeenth Street	Market Street	North-South
Yield	N. Sixteenth Street	Market Street	South
Yield	N. Tenth Street	Amanda Street	North-South
Yield	N. Tenth Street	Illinois Street	North-South
Yield	N. Tenth Street	Lawndale Avenue	North-South
Yield	N. Tenth Street	St. Julian Street	North-South
Yield	N. Thirteenth Street	Arthur Street	North-South
Yield	N. Thirteenth Street	Jefferson Street	North-South
Yield	N. Thirteenth Street	Lincoln Street	North-South
Yield	N. Thirteenth Street	Monroe Street	North-South
Yield	N. Twelfth Street	Arthur Street	North-South
Yield	N. Twelfth Street	Jefferson Street	North-South
Yield	N. Twelfth Street	Lincoln Street	North-South
Yield	N. Twelfth Street	Monroe Street	North-South
Yield	Park Avenue	Summer Street	East-West
Yield	Prince Street	S. Eighth Street	East-West
Yield	Prince Street	S. Thirteenth Street	East-West
Yield	S. Seventh Street	McLean Street	North-South
Yield	S. Seventh Street	Prince Street	North-South

Yield	S. Sixth Street	Prince Street	North-South
Yield	S. Sixth Street	South Street	North-South
Yield	S. Third Street	South Street	North
Yield	South Street	Bacon Street	East-West
Yield	South Street	Black Street	East-West
Yield	South Street	Howard Court	East-West
Yield	South Street	Janssen Street	East-West
Yield	South Street	Mechanic Street	West
Yield	South Street	Morton Street	West
Yield	South Street	S. Capitol Street	East-West
Yield	South Street	S. Eighth Street	East-West
Yield	South Street	S. Eleventh Street	East-West
Yield	South Street	S. Fourth Street	East-West
Yield	South Street	S. Ninth Street	East-West
Yield	South Street	S. Seventh Street	East-West
Yield	South Street	S. Tenth Street	East-West
Yield	South Street	S. Thirteenth Street	East-West
Yield	South Street	S. Twelfth Street	East-West
Yield	South Street	Summer Street	East-West
Yield	Southmoor Street	Herman Street	North
Yield	Southmoor Street	South Street	North-South
Yield	St. Joseph Place	S. Seventh Street	East
Yield	St. Julian Street	Earl Street	West
Yield	St. Julian Street	N. Fifth Street	East-West
Yield	Starceovich Court	S. Sixth Street	West
Yield	Tennell Road	Jerome Street	East-West
Yield	Walnut Street	Summer Street	West
Yield	Winter Street	S. Eighth Street	West
Yield	Winter Street	S. Ninth Street	East-West
Yield	Winter Street	S. Tenth Street	East-West
Yield	Woodlawn Court	Summer Street	East

8-2-11: **Vehicle Entering Through Street or Intersection:** The following street or parts thereof as indicated are hereby designated as through streets, and it shall be unlawful to drive any vehicle onto any such street without first stopping such vehicle and yielding the right-of-way to any traffic on such street, unless a "go" signal is given by a traffic signal or traffic officer. The first named in each paragraph is the name of the through street, and in the information following said street name indicates the portion of said street which is a through street.

Control	On Street	At or From	To
Through	Ann Eliza Street	Second Street	Eighth Street

Through	Ann Eliza Street	Ninth Street	Eleventh Street
Through	Ann Eliza Street	Eleventh Street	Fourteenth Street
Through	Ann Eliza Street	Fourteenth Street	GM&O Railroad
Through	Arrow Street	Broadway Road	Willow Street
Through	Broadway Road	Third Street	Fourth Street
Through	Broadway Road	Fourth Street	eastern city limits
Through	Capitol Street	Derby Street	Washington Street
Through	Capitol Street	Washington Street	Broadway Road
Through	Capitol Street	Broadway Road	Ann Eliza Street
Through	Capitol Street	Ann Eliza Street	Willow Street
Through	Capitol Street	Willow Street	Sheridan Road
Through	Caroline Street	Eighth Street	Eleventh Street
Through	Caroline Street	Eleventh Street	Fourteenth Street
Through	Caroline Street	Fourteenth Street	GM&O Railroad
Through	Catherine Street	Eighth Street	Eleventh Street
Through	Catherine Street	Eleventh Street	Fourteenth Street
Through	Catherine Street	Fourteenth Street	GM&O Railroad
Through	Charlotte Street	Eighth Street	Eleventh Street
Through	Charlotte Street	Eleventh Street	Fourteenth Street
Through	Charlotte Street	Fourteenth Street	Sixteenth Street
Through	Chestnut Street	Eleventh Street	Fourteenth Street
Through	Columbus Street	Valentine Street	Memorial Drive
Through	Coolidge Street	Crescent Drive	Eleventh Street
Through	Coolidge Street	Eleventh Street	eastern end
Through	Cottage Grove	Court Street	northern end
		(Ord. No. 1462-A237 07/25/05)	
Through	Court Street	Illinois River	Second Street
Through	Court Street	Third Street	eastern city limits
Through	Crescent Drive	Sheridan Road	Kennedy Drive
Through	Dane Kelsey	Kennedy Drive	Susan Hope
		(Ord. No. 1462-A223)	(Ord.No. 1462-A225)
Through	Deerfield Drive	South Fifth Street	eastern city limits
		(Ord. No. 1462-A250 02-13-07)	
Through	Dell Avenue	Derby Street	Melvina Street
Through	Derby Street	Second Street	Seventh Street
Through	Derby Street	Seventh Street	Tenth Street
Through	Derby Street	Tenth Street	Fourteenth Street
Through	Dominion Street	Valentine Street	Columbus Drive
Through	East Shore Drive	Court Street	southern city limits
Through	El Camino Drive	Quail Hollow Road	S. Fourteenth Street
Through	Elizabeth Street	Capitol Street	Second Street
Through	Entrance Drive	Court Street	Powers Avenue
Through	Florence Avenue	Willow Street	Sheridan Road
Through	Florence Avenue	Sheridan Road	Memorial Drive
Through	Glendale Drive	Sunset Drive	Valle Vista Blvd.
Through	Hamilton Street	Eighth Street	Eleventh Street

Through	Hamilton Street	Eleventh Street	Fourteenth Street
Through	Hamilton Street	Fourteenth Street	GM&O Railroad
Through	Hemlock Street	Willow Street	Schramm Drive
Through	Henrietta Street	Eighth Street	Eleventh Street
Through	Hamilton Street	Eleventh Street	Fourteenth Street
Through	Hamilton Street	Fourteenth Street	Sixteenth Street
Through	Henry Street	Fourteenth Street	Eighteenth Street
Through	Highwood Street	Wildwood Drive	Valle Vista Blvd.
Through	Highwood Street	Valle Vista Blvd.	Crestview Drive
Through	Hilltop Street	Court Street	Highwood Street
Through	Hoff Street	Derby Street	Koch Street
Through	Holiday Drive	Sheridan Road	Memorial Drive
Through	Illinois Street	Eleventh Street north	Fourteenth Street
Through	James Road	Fourteenth Street	Eighteenth Street
Through	Kennedy Drive	Eighth Street	Susan Hope

(Ord. No. 1462-A223) eastern city limits (Ord. No. 1462-A225)

Through	Knapp Street	Derby Street	Koch Street
Through	Knollcrest Avenue	Willow Street	Brookdale Lane
Through	Koch Street	Second Street	Fifth Street
Through	Koch Street	Fifth Street	Fourteenth Street
Through	Koch Street	Fourteenth Street	Eighteenth Street
Through	Lakeside Avenue	Eighth Street	Sommerset Street
Through	Lucille Street	Mineral Springs Park	Sycamore Street
Through	Manor Street	Lighter Street	Willow Street
Through	Margaret Street	Second Street	Court Street
Through	Margaret Street	Ninth Street	Eleventh Street
Through	Market Street	Ninth Street	Eleventh Street
Through	Market Street	Eleventh Street	Fourteenth Street
Through	Market Street	Fourteenth Street	eastern end
Through	Matilda Street	Eleventh Street	Fourteenth Street
Through	Memorial Drive	Florence Avenue	northern end
Through	Olt Avenue	Valle Vista Blvd.	Court Street
Through	Orr Avenue	Robert Drive	eastern end
Through	Park Avenue	Fifth Street	Fourteenth Street
Through	Park Avenue	Fourteenth Street	Court Street
Through	Parkway Drive	Court Street	Broadway Road
Through	Parkway Drive	Broadway Road	Willow Street
Through	Parkway Drive	Willow Street	Sheridan Road
Through	Parkway Drive	Sheridan Road	northern city limits
Through	Peoria Street	Derby Street	Koch Street
Through	Petri Lane	South Fifth Street	eastern city limits

(Ord. No. 1462-A250 02-13-06)

Through	Powers Avenue	Highwood Avenue	Gunion Avenue
Through	Quail Hollow Road	Sierra Drive	El Camino Drive
Through	Reservoir Road	Court Street	northern city limits
Through	Royal Avenue	Eleventh Street	Fourteenth Street

Through	Royal Avenue	Pekin Park District	Fourteenth Street
Through	Schramm Drive	Willow	Broadway Road
Through	Sheridan Road	Second Street	Eighth Street
Through	Sheridan Road	Eighth Street	Fourteenth Street
Through	Sheridan Road	Fourteenth Street	Parkway Drive
Through	Sheridan Road	Parkway Drive	eastern city limits
Through	Sherwood Street	Market Street	Willow Street
Through	Sierra Drive	St. Clair Drive	Highwood Avenue
Through	Sommerset Street	Third Street	Second Street
Through	Sommerset Street	Sheridan Road	northern end
Through	St. Clair Drive	Valle Vista Blvd.	Sierra Drive
Through	State Street	Eighth Street	Eleventh Street
Through	State Street	Eleventh Street	Fourteenth Street
Through	State Street	Fourteenth Street	Sixteenth Street
Through	State Street	Sherwood Street	Manor Street
Through	Summit Drive	Highwood Street	St. Clair Drive
Through	Sunset Drive	Court Street	Glendale Avenue
Through	Susan Hope	Kennedy Drive	Velde Drive
	(Ord. No. 1462-A223) Susan Hope Ord. No. 1462-A225)		
Through	Sycamore Street	Royal Avenue	Broadway Road
Through	Tazewell Road	Reservoir Road	eastern city limits
Through	Valentine Street	Holiday Drive	Columbus Street
Through	Valentine Street	Columbus Street	Marigold Drive
Through	Valle Vista Blvd.	Griffin Drive	Court Street
Through	Valle Vista Blvd.	Court Street	Summit Drive
Through	Veerman Street	Willow Street	Sheridan Road
Through	Velde Drive	Eighth Street	East end
	(Ord. No. 1462-A223) Susan Hope (Ord. No. 1462-A225)		
Through	Veterans Drive	Court Street	Broadway Road
			(Ord. No. 1462-A214)
Through	VFW Road	Derby Street	VFW Road
Through	Vista Grande Drive	Fourteenth Street	East End
Through	Washington Street	Second Street	Fourth Street
Through	Washington Street	Fourth Street	Fifth Street
Through	Washington Street	Fifth Street	Eighth Street
Through	Washington Street	Eighth Street	Tenth Street
Through	Washington Street	Tenth Street	Court Street
			(Ord. No. 1462-A 208)
Through	West Shore Drive	Court Street	Eighteenth Street
Through	Willow Street	Capitol Street	Eighth Street
Through	Willow Street	Eighth Street	Eleventh Street
Through	Willow Street	Eleventh Street	Fourteenth Street
Through	Willow Street	Fourteenth Street	Maple Park Drive
Through	Winged Foot	Sheridan Road	northern city limits
		(Ord. No. 1462-A223) (Ord. No. 1462-A225)	
Through	Winter Street	Second Street	South Capitol Street

Through	Winter Street	Fourth Street	Fifth Street
Through	Second Street	southern city limits	Sheridan Road
Through	Third Avenue	Washington Street	Broadway Road
Through	Third Street	Sommerset Street	Broadway Road
Through	Third Street	Broadway Road	Washington Street
Through	Third Street	Washington Street	Winter Street
Through	Third Street	Winter Street	Derby Street
Through	Fourth Street	Lakeside Drive	Sheridan Road
Through	Fourth Street	Sheridan Road	Willow Street
Through	Fourth Street	Willow Street	Ann Eliza Street
Through	Fourth Street	Court Street	Broadway Road
Through	Fourth Street	Broadway Road	Washington Street
Through	Fourth Street	Washington Street	Derby Street
Through	Fifth Street	Koch Street	Derby Street
Through	Fifth Street	Derby Street	Washington Street
Through	Fifth Street	Broadway	Court Street
Through	Fifth Street	Margaret Street	Willow Street
Through	Sixth Street	N. Eighth Street	Ann Eliza Street
Through	Seventh Street	N. Eighth	Ann Eliza Street
Through	Eighth Street	Court Street	Willow Street
Through	Eighth Street	Willow Street	northern city limits
Through	Eleventh Street	Broadway Road	Willow Street
Through	Eleventh Street	Willow Street	Sheridan Road
Through	Eleventh Street	Sheridan Road	Kennedy Drive
Through	Thirteenth Street	Court Street	Royal Avenue
Through	Thirteenth Street	Royal Avenue	Broadway Road
Through	Fourteenth Street	southern city limits	Derby Street
Through	Fourteenth Street	Derby Street	Park Avenue
Through	Fourteenth Street	Park Avenue	Court Street
Through	Fourteenth Street	Court Street	Broadway Road
Through	Fourteenth Street	Broadway Road	Willow Street
Through	Fourteenth Street	Willow Street	Sheridan Road
Through	Fourteenth Street	Sheridan Road	northern city limits
Through	N. Sixteenth Street	Willow Street	Sheridan Road
Through	Eighteenth Street	Court Street	southern city limits

ORDINANCE NO. 1462-A 251

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 4, SECTION 1
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING NO PARKING SCHEDULE
SOUTH 7TH STREET AT DERBY STREET**

WHEREAS, the Code of the City of Pekin 1995 was adopted on April 10, 1995, and duly published in book form;

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City Code NO PARKING SCHEDULE regarding parking on South 7th Street.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS:

1. That Title 8, Chapter 4, Section 1. D. be amended by deleting the existing No Parking Schedule dated January 23, 2006 in its entirety, and inserting the No Parking Schedule dated February 13, 2006 attached hereto and incorporated herein by this reference.

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as required by law.

PASSED AND APPROVED at the regular meeting of the City Council of the City of Pekin,
this _____ day of _____, 2006; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

Time	Duration	Days	On Street	From	To	Direction	Side
Total	Always	All days	Ann Eliza Street	North 8th Street	North 2nd Street	West	Both
Total	Always	All days	Barney Avenue	Court Street	Griffin Drive	North	Both
Total	Always	All days	Broadway	Front Street	Eastern City Limit	East-West	Both
15 minutes	6am-6pm	Mon-Fri	Buena Vista	Broadway	South 54th	South	West
Total	6:00am-6:00	Mon-Fri	Buena Vista	Broadway	South 620'	North	East
Total	Always	All days	Caroline Street	North 2nd Street	P & PU Railroad	East	South
2 hours	9am-5pm	Mon-Sat	Center Street	South 13th Street	Garden Street	East-West	Both
2 hour	8am-4pm	School	Commonwealth	East Shore Drive	East End	East-West	Both
Total	Always	All days	Court Street	Broadway	North 6th Street	West	Both
Total	Always	All days	Court Street	South 4th Street	80' West	East	South
2 hours	9am-5pm	Mon-Sat	Court Street	North 6th Street	North 2nd Street	West	Both
Total	Always	All days	Court Street	South 8th Street	Eastern City Limit	East-West	Both
2 hours	9am-5pm	Mon-Sat	Court Street	South 2nd Street	Broadway	East	Both
2 hours	8am-4pm	School	Court Street (Frontag	East Shore Drive	West Shore Drive	East-South	Both
Total	Always	All days	Cynthia Street	Broadway	South 2nd Street	West	Both
Total	Always	All days	Derby Street	Hoff Street	South 2nd Street	West	Both
Total	Always	All days	Derby Street	Morton Street	South 10th Street	West	Both
2 hours	8am-4pm	School	East Shore Drive	Court Street	Commonwealth	North-South	Both
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	Broadway	South 3rd Street	West	Both
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	South 3rd Street	South 5th Street	East	Both
Total	Always	All days	Elizabeth Street	Broadway	South 5th Street	West	South
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	South Third Street	Capitol Street	East	South
Total	Always	All days	Elizabeth Street	South Third Street	Capitol Street	West	North
Total	Always	All days	Enterprise Drive	South 2nd Street	Riverway Drive	East-West	Both
Total	Always	All days	Entrance Drive	Orr Avenue	Court Street	North-South	Both
2 hours	9am-5pm	Mon-Sat	Haines Avenue	Hillyer Street	St Joseph Place	North-South	Both
Total	Always	All days	Hanna Drive	South 2nd Street	East end	East-West	Both
Total	Always	All days	Highwood Avenue	Valle Vista Boulevard	Summit Drive	South	Both
Total	Always	All days	Highwood Avenue	Valle Vista Boulevard	Summit Drive	South	West
Total	8:15am-8:45	School	Highwood Avenue	341' south of Melanie	456' north of Powers	North	East
2 hours	9am-5pm	Mon-Sat	Hillyer Street	South 6th Street	South 8th Street	East-West	Both
Total	Always	All days	Illinois Street	North 14th Street	Earl Street	West	Both
Total	Always	All days	Koch Street	South 2nd Street	South 14th Street	East	Both

02-13-06

Time	Duration	Days	On Street	At or From	To	Direction	Side
Total	Always	All days	Koch Street	Summer Street	100' East	West	North
Total	Always	All days	Lawndale Avenue	North 8th Street	Terrace Boulevard	East	Both
Total	Always	All days	Margaret Street	North 2nd Street	Court Street	East	Both
Total	Always	All days	Margaret Street	North 12th Street	North 13th Street	East	South
Total	Always	All days	Market Street	North 19th Street	East dead end of street	East-West	Both
Total	Always	All days	Market Street	North 6th Street	North 5th Street	West	Both
Total	Always	All days	Market Street	North 7th Street	North 8th Street	East-West	Both
Total	Always	All days	Market Street	North 13th Street	North 14th Street	East-West	North
Total	8:15am-8:45	School	Matilda Street	Rosenberg Court	35' East of Rosenberg Court	East	South
Total	Always	All days	McLean Street	151' West of 8th Street	225' West of 8th Street	West	North
Total	Always	All days	McLean Street	Court Street	Commonwealth	North-South	Both
2 hours	8am-4pm	School	Monge Avenue	Court Street	Caroline Street	North-South	Both
2 hours	9am-5pm	Mon-Sat	N Capitol Street	Broadway	Willow Street	North	Both
Total	Always	All days	North 11th Street	Broadway	Ann Eliza Street	North	Both
Total	Always	All days	North 14th Street	Broadway	135' North of Willow	South	West
Total	Always	All days	North 14th Street	James Road	50' South of James Road	South	West
Total	Always	All days	North 18th Street	Market Street	Broadway	South	West
Total	10pm-6am	All days	North 19th Street	Broadway	Market Street	North	East
Total	Always	All days	North 20th Street	Broadway	Market Street	North	West
Total	Always	All days	North 20th Street	P & PU Railroad	Catherine Street	South	Both
Total	Always	All days	North 2nd Street	Railroad tracks	Court Street	South	Both
Total	Always	All days	North 2nd Street	Sheridan Road	Caroline Street	South	Both
Total	Always	All days	North 2nd Street	Sommerset Street	Sheridan Road	North-South	Both
Total	Always	All days	North 2nd Street	Ann Eliza Street	Caroline Street	North	East
Total	Always	All days	North 3rd Street	Court Street	Sommerset Street	North	Both
Total	Always	All days	North 4th Street	Caroline Street	Ann Eliza	South	Both
2 hours	9am-5pm	Mon-Sat	North 4th Street	Margaret Street	Court Street	South-North	Both
2 hours	9am-5pm	Mon-Sat	North 4th Street	Broadway	Willow Street	North-South	Both
Total	Always	All days	North 5th Street	Margaret Street	Caroline Street	North	East
Total	Always	All days	North 6th Street	Court Street	100' North	North	East
Total	Always	All day	North 6th Street	Caroline Street	Court Street	South	West
2 hours	9am-5pm	Mon-Sat	North 6th Street	Court Street	North to Alley	North	East
2 hours	9am-5pm	Mon-Sat	North 6th Street	Court Street	Margaret Street	South	East
30 minutes	9am-5pm	Mon-Sat	North 7th Street	Ann Eliza Street		South	East

Time	Duration	Days	On Street	At or From	To	Direction	Side
Total	Always	All days	North 7th Street	Ann Eliza Street	Margaret Street	South	West
Total	Always	All days	North 7th Street	North 8th Street	Ann Eliza Street	South	Both
Total	Always	All days	North 8th Street	North 7th Street	Northern city limits	North-South	Both
2 hours	8am-4pm	School	North Shore Drive	East Shore Drive	West Shore Drive	East-West	Both
Total	Always	All days	Olt Avenue	Court Street	Valle Vista Boulevard	North-South	Both
Total	Always	All days	Park Avenue	235' East of South 13th	255' East of South 13th	East	South
2 hours	9am-5pm	Mon-Sat	Park Avenue	South 12th Street	Court Street	East	South
15 minutes	9am-5pm	Mon-Sat	Park Avenue	South 13th Street	266' E of South 13th Street	West	North
15 minutes	9am to 5pm	Mon-Sat	Park Avenue	256' East 13th Street	South 14th Street	West	North
Total	Always	All days	Parkway Drive	Court Street	Northern city limit	North-South	Both
Total	Always	All days	Parkway Drive	368' south of Sheridan	427' south of Sheridan	North	East
Total	Always	All days	Pine Street	Maple Park Drive	70' West	West	North
Total	Always	All days	Powers Avenue	Highwood Avenue	Entrance Drive	East-West	Both
Total	7:30am-5pm	School	Prince Street	South Capitol Street	South 4th Street	East	South
Total	Always	All days	Prince Street	South 8th Street	300' West	West	North
Total	Always	All days	Prince Street	South 8th Street	South 9th Street	East-West	Both
Total	Always	All days	Riverway Drive	Koch Street	Hanna Drive	North-South	Both
Total	Always	All days	RWBP Frontage Road	Enterprise Drive	North end	North-South	Both
2 hours	9am-5pm	Mon-Sat	Sabella Street	South 3rd Street	Broadway	East-West	Both
2 hours	9am-5pm	Mon-Sat	Sabella Street	South 3rd Street	South 2nd Street	West	Both
Total	Always	All days	Sabella Street	South 2nd Street	South 3rd street	East	Both
Total	Always	All days	Sommerset Street	North 3rd Street	North 2nd Street	North	Both
Total	Always	All days	South 10th Street	Washington Street	Court Street	North	East
Total	Always	All days	South 10th Street	Park Avenue	105' S	North	East
Total	Always	All days	South 13th Street	Park Avenue	Martha Street	North	East
Total	Always	All days	South 13th Street	Center Street	Court Street	North-South	Both
Total	Always	All days	South 14th Street	Center Street	Court Street	North-South	Both
Total	Always	All days	South 14th Street	Broadway Road	Alley south	South	Both
Total	Always	All days	South 18th Street	Tennell Road	40' South	South	East
Total	Always	All days	South 18th Street	West Shore Drive	40' South	South	East
Total	Always	All days	South 2nd Street	Court Street	Washington Street	South	Both
Total	Always	All days	South 2nd Street	Southern city limit	Washington Street	North-South	Both
Total	Always	All days	South 3rd Street	Broadway Road	Franklin Street	South	West

Time	Duration	Days	On Street	Autoclean	To	Direction	Side
Total	Always	All days	South 3rd Street	Broadway	Court Street	North	Both
Total	Always	All days	South 4th Street	Broadway	St Mary Street	North	Both
Total	Always	All days	South 4th Street	Broadway	400' South	South	Both
Total	Always	All days	South 4th Street	St Mary Street	100' South	South	
2 hours	9am-5pm	Mon-Sat	South 4th Street	Elizabeth Street	Court Street	South-North	Both
2 hours	9am-5pm	Mon-Sat	South 4th Street	St Mary Street	Court Street	North	Both
30 minutes	9am-5pm	Mon-Sat	South 4th Street	St Mary Street	North 100'	North-South	Both
2 hours	9am-5pm	Mon-Sat	South 4th Street	Court Street	Broadway	South	Both
2 hours	9am-5pm	Mon-Sat	South 4th Street	Broadway	Washington Street	South	Both
2 hours	9am-5pm	Mon-Sat	South 6th Street	Hillyer Street	St Joseph Place	North	Both
15 minutes	9am-5pm	Mon-Sat	South 6th Street	St Joseph Place	Broadway	North	Both
Total	Always	All days	South 6th Street	Broadway	Court Street	North-South	Both
Total	Always	All days	South 6th Street	Broadway	Washington Street	South	Both
Total	Always	All days	South 7th Street	Derby Street	50' North of Derby Street	North	East *
Total	Always	All days	South 7th Street	60' North of Derby	95' North of Derby	North	West
2 hours	9am-5pm	Mon-Sat	South 7th Street	Washington	Court Street	North-South	Both
Total	7:30am-5pm	School	South Capitol Street	Prince Street	South 80'	North	Both
Total	Always	All days	South Capitol Street	Washington Street	from stop signs 90' South	North	Both
2 hours	9am-5pm	Mon-Sat	South Capitol Street	Broadway	Court Street	North	Both
Total	Always	All days	South Capitol Street	Washington Street	Broadway	North	West
2 hours	9am-5pm	Mon-Sat	South Capitol Street	Court Street	Sabella Street	South	Both
Total	Always	All days	St Joseph Place	South 7th Street	South 6th Street	West	North
2 hours	9am-5pm	Mon-Sat	St Joseph Place	South 6th Street	South 7th Street	East	South
2 hours	9am-5pm	Mon-Sat	St Joseph Place	South 7th Street	Haines Avenue	West	Both
2 hours	9am-5pm	Mon-Sat	St Mary Street	South 3rd Street	Broadway	East-West	Both
Total	Always	All days	Stadium Drive	Court Street	Parkway Drive	East-West	Both
Total	Always	All days	State Street	North 5th Street	40'	East-West	Both
Total	Always	All days	Sunnyridge				
Total	Always	All days	Sycamore Street	Royal Street	Lucille Street	South	West
Total	Always	All days	Third Avenue	Washington Street	Broadway	North	Both
Total	Always	All days	Veerman Street	810' North of Willow	895' North of Willow	North	East
Total	Always	All days	Veerman Street	535' North of Willow	620' North of Willow	North	East
Total	Always	All days	Washington Street	South 6th Street	88'	East	North

Time	Duration	Days	On Street	At or from	To	Direction	Side
Total	Always	All days	Washington Street	Bacon Street	South 6th Street	East	South
Total	Always	All days	Washington Street	South 6th Street	50' West	West	North
Total	Always	All days	Washington Street	165' East of Buena Vista	230' East of Buena Vista	West	North
Total	Always	All days	Washington Street	South 6th Street	50' East	West	North
Total	Always	All days	Washington Street	South 10th Street	75' East of South 10th Street	East	South

Time	Duration	Days	On Street	At or From	To	Direction	Side
Total	Always	All days	Ann Eliza Street	North 8th Street	North 2nd Street	West	Both
Total	Always	All days	Barney Avenue	Court Street	Griffin Drive	North	Both
Total	Always	All days	Broadway	Front Street	Eastern City Limit	East-West	Both
15 minutes	6am-6pm	Mon-Fri	Buena Vista	Broadway	South 540'	South	West
Total	6:00am-6:00	Mon-Fri	Buena Vista	Broadway	South 620'	North	East
Total	Always	All days	Caroline Street	North 2nd Street	P & PU Railroad	East	South
2 hours	9am-5pm	Mon-Sat	Center Street	South 13th Street	Garden Street	East-West	Both
2 hour	8am-4pm	School	Commonwealth	East Shore Drive	East End	East-West	Both
Total	Always	All days	Court Street	Broadway	North 6th Street	West	Both
Total	Always	All days	Court Street	South 4th Street	80' West	East	South
2 hours	9am-5pm	Mon-Sat	Court Street	North 6th Street	North 2nd Street	West	Both
Total	Always	All days	Court Street	South 8th Street	Eastern City Limit	East-West	Both
2 hours	9am-5pm	Mon-Sat	Court Street	South 2nd Street	Broadway	East	Both
2 hours	8am-4pm	School	Court Street (Frontag	East Shore Drive	West Shore Drive	East-South	Both
Total	Always	All days	Cynthia Street	Broadway	South 2nd Street	West	Both
Total	Always	All days	Derby Street	Hoff Street	South 2nd Street	West	Both
Total	Always	All days	Derby Street	Morton Street	South 10th Street	West	Both
2 hours	8am-4pm	School	East Shore Drive	Court Street	Commonwealth	North-South	Both
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	Broadway	South 3rd Street	West	Both
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	South 3rd Street	South 5th Street	East	Both
Total	Always	All days	Elizabeth Street	Broadway	South 5th Street	West	South
2 hours	9am-5pm	Mon-Sat	Elizabeth Street	South Third Street	Capitol Street	East	South
Total	Always	All days	Elizabeth Street	South Third Street	Capitol Street	West	North
Total	Always	All days	Enterprise Drive	South 2nd Street	Riverway Drive	East-West	Both
Total	Always	All days	Entrance Drive	Orr Avenue	Court Street	North-South	Both
2 hours	9am-5pm	Mon-Sat	Haines Avenue	Hillyer Street	St Joseph Place	North-South	Both
Total	Always	All days	Hanna Drive	South 2nd Street	East end	East-West	Both
Total	Always	All days	Highwood Avenue	Valle Vista Boulevard	Summit Drive	South	Both
Total	Always	All days	Highwood Avenue	Valle Vista Boulevard	Summit Drive	South	West
Total	8:15am-8:45	School	Highwood Avenue	341' south of Melanie	456' north of Powers	North	East
2 hours	9am-5pm	Mon-Sat	Hillyer Street	South 6th Street	South 8th Street	East-West	Both
Total	Always	All days	Illinois Street	North 14th Street	Earl Street	West	Both
Total	Always	All days	Koch Street	South 2nd Street	South 14th Street	East	Both

Time	Duration	Days	On Street	From	To	Direction	Side
Total	Always	All days	Koch Street	Summer Street	100' East	West	North
Total	Always	All days	Lawndale Avenue	North 8th Street	Terrace Boulevard	East	Both
Total	Always	All days	Margaret Street	North 2nd Street	Court Street	East	Both
Total	Always	All days	Margaret Street	North 12th Street	North 13th Street	East	South
Total	Always	All days	Market Street	North 19th Street	East dead end of street	East-West	Both
Total	Always	All days	Market Street	North 6th Street	North 5th Street	West	Both
Total	Always	All days	Market Street	North 7th Street	North 8th Street	East-West	Both
Total	8:15am-8:45	School	Matilda Street	North 13th Street	North 14th Street	East-West	North
Total	Always	All days	McLean Street	Rosenberg Court	35' East of Rosenberg Court	East	South
Total	Always	All days	McLean Street	151' West of 8th Street	225' West of 8th Street	West	North
2 hours	8am-4pm	School	Monge Avenue	Court Street	Commonwealth	North-South	Both
2 hours	9am-5pm	Mon-Sat	N Capitol Street	Court Street	Caroline Street	North-South	Both
Total	Always	All days	North 11th Street	Broadway	Willow Street	North	Both
Total	Always	All days	North 14th Street	Broadway	Ann Eliza Street	North	Both
Total	Always	All days	North 14th Street	100' North of Willow	135' North of Willow	South	West
Total	Always	All days	North 18th Street	James Road	50' South of James Road	South	West
Total	10pm-6am	All days	North 19th Street	Market Street	Broadway	South	West
Total	Always	All days	North 20th Street	Broadway	Market Street	North	East
Total	Always	All days	North 20th Street	Broadway	Market Street	North	West
Total	Always	All days	North 2nd Street	P & PU Railroad	Catherine Street	South	Both
Total	Always	All days	North 2nd Street	Railroad tracks	Court Street	South	Both
Total	Always	All days	North 2nd Street	Sheridan Road	Caroline Street	South	Both
Total	Always	All days	North 2nd Street	Sommerset Street	Sheridan Road	North-South	Both
Total	Always	All days	North 2nd Street	Ann Eliza Street	Caroline Street	North	East
Total	Always	All days	North 3rd Street	Court Street	Sommerset Street	North	Both
2 hours	9am-5pm	Mon-Sat	North 4th Street	Caroline Street	Ann Eliza	South	Both
2 hours	9am-5pm	Mon-Sat	North 4th Street	Margaret Street	Court Street	South-North	Both
Total	Always	All days	North 5th Street	Broadway	Willow Street	North-South	Both
Total	Always	All days	North 6th Street	Margaret Street	Caroline Street	North	East
Total	Always	All day	North 6th Street	Court Street	100' North	North	East
2 hours	9am-5pm	Mon-Sat	North 6th Street	Caroline Street	Court Street	South	West
2 hours	9am-5pm	Mon-Sat	North 6th Street	Court Street	North to Alley	North	East
30 minutes	9am-5pm	Mon-Sat	North 7th Street	Ann Eliza Street	Margaret Street	South	East

Time	Duration	Days	On Street	At or From	To	Direction	Side
Total	Always	All days	North 7th Street	Ann Eliza Street	Margaret Street	South	West
Total	Always	All days	North 7th Street	North 8th Street	Ann Eliza Street	South	Both
Total	Always	All days	North 8th Street	North 7th Street	Northern city limits	North-South	Both
2 hours	8am-4pm	School	North Shore Drive	East Shore Drive	West Shore Drive	East-West	Both
Total	Always	All days	Olt Avenue	Court Street	Valle Vista Boulevard	North-South	Both
Total	Always	All days	Park Avenue	235' East of South 13th	255' East of South 13th Street	East	South
2 hours	9am-5pm	Mon-Sat	Park Avenue	South 12th Street	Court Street	East	South
15 minutes	9am-5pm	Mon-Sat	Park Avenue	South 13th Street	266' E of South 13th Street	West	North
15 minutes	9am to 5pm	Mon-Sat	Park Avenue	256' East 13th Street	South 14th Street	West	North
Total	Always	All days	Parkway Drive	Court Street	Northern city limit	North-South	Both
Total	Always	All days	Parkway Drive	368' south of Sheridan	427' south of Sheridan	North	East
Total	Always	All days	Pine Street	Maple Park Drive	70' West	West	North
Total	Always	All days	Powers Avenue	Highwood Avenue	Entrance Drive	East-West	Both
Total	7:30am-5pm	School	Prince Street	South Capitol Street	South 4th Street	East	South
Total	Always	All days	Prince Street	South 8th Street	300' West	West	North
Total	Always	All days	Prince Street	South 8th Street	South 9th Street	East-West	Both
Total	Always	All days	Riverway Drive	Koch Street	Hanna Drive	North-South	Both
Total	Always	All days	RWB Frontage Roa	Enterprise Drive	North end	North-South	Both
2 hours	9am-5pm	Mon-Sat	Sabella Street	South 3rd Street	Broadway	East-West	Both
2 hours	9am-5pm	Mon-Sat	Sabella Street	South 3rd Street	South 2nd Street	West	Both
Total	Always	All days	Sabella Street	South 2nd Street	South 3rd street	East	Both
Total	Always	All days	Sommerset Street	North 3rd Street	North 2nd Street	North	Both
Total	Always	All days	South 10th Street	Washington Street	Court Street	North	East
Total	Always	All days	South 10th Street	Park Avenue	105' S	North	East
Total	Always	All days	South 13th Street	Park Avenue	Martha Street	North	East
Total	Always	All days	South 13th Street	Center Street	Court Street	North-South	Both
Total	Always	All days	South 14th Street	Center Street	Court Street	North-South	Both
Total	Always	All days	South 14th Street	Broadway Road	Alley south	South	Both
Total	Always	All days	South 18th Street	Tennell Road	40' South	South	East
Total	Always	All days	South 18th Street	West Shore Drive	40' South	South	East
Total	Always	All days	South 2nd Street	Court Street	Washington Street	South	Both
Total	Always	All days	South 2nd Street	Southern city limit	Washington Street	North-South	Both
Total	Always	All days	South 3rd Street	Broadway Road	Franklin Street	South	West

Time	Duration	Days	On Street	At or From	To	Direction	Side
Total	Always	All days	South 3rd Street	Broadway	Court Street	North	Both
Total	Always	All days	South 4th Street	Broadway	St Mary Street	North	Both
Total	Always	All days	South 4th Street	Broadway	400' South	South	Both
Total	Always	All days	South 4th Street	St Mary Street	100' South	South	
2 hours	9am-5pm	Mon-Sat	South 4th Street	Elizabeth Street	Court Street	South-North	Both
2 hours	9am-5pm	Mon-Sat	South 4th Street	St Mary Street	Court Street	North	Both
30 minutes	9am-5pm	Mon-Sat	South 4th Street	St Mary Street	North 100'	North-South	Both
2 hours	9am-5pm	Mon-Sat	South 4th Street	Court Street	Broadway	South	Both
2 hours	9am-5pm	Mon-Sat	South 4th Street	Broadway	Washington Street	South	Both
2 hours	9am-5pm	Mon-Sat	South 6th Street	Hillier Street	St Joseph Place	North	Both
15 minutes	9am-5pm	Mon-Sat	South 6th Street	St Joseph Place	Broadway	North	Both
Total	Always	All days	South 6th Street	Broadway	Court Street	North-South	Both
Total	Always	All days	South 6th Street	Broadway	Washington Street	South	Both
Total	Always	All days	South 7th Street	Derby Street	50' North of Derby Street	North	East
Total	Always	All days	South 7th Street	60' North of Derby	95' North of Derby	North	West
2 hours	9am-5pm	Mon-Sat	South 7th Street	Washington	Court Street	North-South	Both
Total	7:30am-5pm	School	South Capitol Street	Prince Street	South 80'	North	Both
Total	Always	All days	South Capitol Street	Washington Street	from stop signs 90' South	North	Both
2 hours	9am-5pm	Mon-Sat	South Capitol Street	Broadway	Court Street	North	Both
Total	Always	All days	South Capitol Street	Washington Street	Broadway	North	West
2 hours	9am-5pm	Mon-Sat	South Capitol Street	Court Street	Sabella Street	South	Both
Total	Always	All days	St Joseph Place	South 7th Street	South 6th Street	West	North
2 hours	9am-5pm	Mon-Sat	St Joseph Place	South 6th Street	South 7th Street	East	South
2 hours	9am-5pm	Mon-Sat	St Joseph Place	South 7th Street	Haines Avenue	West	Both
2 hours	9am-5pm	Mon-Sat	St Mary Street	South 3rd Street	Broadway	East-West	Both
Total	Always	All days	Stadium Drive	Court Street	Parkway Drive	East-West	Both
Total	Always	All days	State Street	North 5th Street	40'	East-West	Both
Total	Always	All days	Sunnyridge				
Total	Always	All days	Sycamore Street	Royal Street	Lucille Street	South	West
Total	Always	All days	Third Avenue	Washington Street	Broadway	North	Both
Total	Always	All days	Veerman Street	810' North of Willow	895' North of Willow	North	East
Total	Always	All days	Veerman Street	535' North of Willow	620' North of Willow	North	East
Total	Always	All days	Washington Street	South 6th Street	88'	East	North

Time	Duration	Days	On Street	Along	To	Direction	Side
Total	Always	All days	Washington Street	Bacon Street	South 6th Street	East	South
Total	Always	All days	Washington Street	South 6th Street	50' West	West	North
Total	Always	All days	Washington Street	165' East of Buena Vista	230' East of Buena Vista	West	North
Total	Always	All days	Washington Street	South 6th Street	50' East	West	North
Total	Always	All days	Washington Street	South 10th Street	75' East of South 10th Street	East	South



Memorandum

To: Dennis Kief
From: Gary Davis
Date: February 6, 2006
Subject: Automatic Transfer Switch

Bids were received until 1:00 p.m. on February 1, 2006 for the replacement of an existing automatic transfer switch to be installed at Pekin's STP #1. Due to the type of equipment and the requirement for local service in case of future repairs, one bid was received. The bid and engineer's estimates are listed in the following table.

Bidder's Name	Bid Bond	Bid	Alternate Bid
1. ENERCON Engineering, Inc.	Y	\$ 66,253.00	\$ 68,517.00
2.		\$	
3.		\$	
Engineer's Estimate		\$ 68,250.00	---

We recommend the City of Pekin award the contract to ENERCON Engineering, Inc., No. 1 Altorfer Lane, East Peoria, Illinois in the amount of \$68,517.00. The alternate bid includes the complete automatic transfer switch, including start-up assistance and training. The alternate item is a transfer switch panel air purge/pressurization system that will provide a higher quality environment to the electronic components contained in the panel than exists in the current generator room. The operating staff at the plant and FGI recommends this alternate be approved as a portion of the contract.

The proposed automatic transfer switch replaces an existing switch originally installed in 1988 for the utility and G-1 load sharing/emergency generator. In addition to that function, it will also provide switching of the new G-2, 250 kW diesel generator that will provide emergency power in case of utility power failure or G-1 failure during the electric utility peak season.

The automatic transfer switch replacement is the third project in a series of four projects to update the electric power system at STP#1. The projects are the diesel generator (\$61,406), G-1 engine-generator repair (\$1,700), automatic transfer switch (\$68,517) and the diesel generator and transfer switch installation (yet to be bid.) The total upgrade project budget including the project costs and the engineering design and construction administration/observation services is \$195,400, leaving approximately \$38,300 for the installation project, which will be bid in March 2006.

Legal Notice

Certificate of Publication

STATE OF ILLINOIS,

SS

County of Peoria.

The Peoria Journal Star, Inc. (which is incorporated and doing business under and by virtue of the Laws of the State of Illinois) HEREBY CERTIFIES that it is the printer and publisher of the Journal Star, which is a public secular newspaper of general circulation printed and published daily in the City of Peoria, County of Peoria and State of Illinois, and that said newspaper has been regularly published in said City for at least one (1) year prior to the first publication of the notice hereto attached.

Said Corporation further certifies that the said notice entitled:

"SECTION 00020INVITATION TO BIDPART 1 - GENERAL1.01DESCRIPTION OF" hereto attached has been published 1 time(s) in the Peoria Journal Star, on the following respective dates:

The 20th day of January A.D., 2006

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed in its name on its behalf by Judy Little this 20th day of January A.D., 2006.

The Peoria Journal Star, Inc.

By: *Judy Little*

SECTION 00020
INVITATION TO BID
PART 1 - GENERAL
1.01 DESCRIPTION OF WORK

A. The proposed Work is, officially known as the "City of Peoria Emergency Generator" and is further described as follows: (1) A generator, on automatic transfer switch for electric power, which will be used to one of two engine generator sets, which will be used to provide emergency power to the City of Peoria. (2) The generator will be on a jump substation.

1.02 TIME AND SCHEDULE FOR OPENING BIDS

A. The proposed Work is to be completed by the City of Peoria. The generator will be located at the City of Peoria, 1000 North 1st Street, Peoria, Illinois 61602. The generator will be used to provide emergency power to the City of Peoria. The generator will be on a jump substation.

1.03 MEASUREMENT AND QUANTITY OF WORK
A. The proposed Work is to be completed by the City of Peoria. The generator will be located at the City of Peoria, 1000 North 1st Street, Peoria, Illinois 61602. The generator will be used to provide emergency power to the City of Peoria. The generator will be on a jump substation.

1.04 PAYMENT AND SCHEDULE FOR PAYMENT
A. The proposed Work is to be completed by the City of Peoria. The generator will be located at the City of Peoria, 1000 North 1st Street, Peoria, Illinois 61602. The generator will be used to provide emergency power to the City of Peoria. The generator will be on a jump substation.

1.05 SECURITY
A. The proposed Work is to be completed by the City of Peoria. The generator will be located at the City of Peoria, 1000 North 1st Street, Peoria, Illinois 61602. The generator will be used to provide emergency power to the City of Peoria. The generator will be on a jump substation.



No. 1 Altorfer Lane • East Peoria, IL 61611
Phone: 309-694-1418 • Fax: 309-694-3703
Email: bsmall@enercon-eng.com

January 31, 2006

TO: City of Pekin

ATTN: Joe Yavorshak

SUBJECT: Your City of Pekin Project
Enercon Reference No. 06RLS0180

We are pleased to present this quotation, for an automatic transfer switch for utility paralleling. Based on our visits, subsequent conversations and the specification, we offer the following:

One (1) automatic transfer switch per the following technical submittal pages 06RLS0180-1 through 06RLS0180-7.

Total Net Price This Quotation.....\$66,253.00

Total Net Price This Quotation – Option 1.....\$68,517.00

All pricing F.O.B. our plant.

Approximate delivery - twelve (12) weeks after receipt of signed approved drawings and release for production.

We appreciate the opportunity to quote on these requirements and hope to be favored with your valued order.

Sincerely,

ENERCON ENGINEERING, INC.

A handwritten signature in black ink that reads "Bob Small". The signature is written in a cursive, flowing style.

Bob Small

Notes:

1. Controls to be built and labeled per U.L. 891.
2. Start up assistance and training included.

Automatic Transfer Switch - Open/Close Transition

Section I: Functional Description:

1. The transfer switch system shall contain a Master Switch that will have an AUTO-OFF-MANUAL position to control the system. Each of the two engine-generators shall also have an AUTO-OFF-MANUAL engine switch to provide control of the generators, G-1 and G-2.
2. Automatic operation of G-1 is directed by a contact closure signal in Control Panel "PS", located adjacent to the proposed transfer switch location. When the G-1 engine control switch is placed in automatic position, G-1 is on standby in readiness of automatic starting and synchronization upon receipt of a signal from Control panel "PS". The transfer switch system will be arranged to receive and respond to three contact signals:
 - 2.1. Pre-Run Start (from "PS") will cause G-1 to start and parallel with utility. Load assumed by the generator is selected manually via the touch screen.
 - 2.2. On-Peak (Utility) will cause G-1 to remain running in parallel with the utility, even if all other control signals are removed. If the generator breaker is not closed when the On-Peak signal is received, the Utility Circuit Breaker will trip and G-2 will start and will carry the load, under emergency power.
 - 2.3. Gas Available (Control Panel "PS") will cause the system to remain running in parallel with the utility, even if all other control signals are removed. If the generator is not running in parallel at the time this signal is received, the controls will not respond until the next parallel operation.

When all control signals are removed, the system will trip open the G-1 circuit breaker and run the engine for a cool down period before shutting down.

3. Automatic operation of G-2 will be controlled by a utility failure relay located in the proposed automatic transfer switch being provided in this project. When voltage falls below 85% of nominal on any phase, a loss of normal power will be signaled to the system. The utility breaker will trip and G-2 will be started. When G-2 reaches rated voltage and frequency, the G-2 circuit breaker will close and G-2 will provide standby power to the facility. When utility power is restored, G-2 breaker will open and the utility breaker will close. G-2 will run for a cool down period and then shut down.
4. Engine Start Operation (G-1 and G-2) - Upon receipt of a signal, the automatic engine starting panel will crank the engine for 10 seconds crank, 10 seconds rest for four cycles. If the engine fails to start after four cranking attempts, the engine will lock out, an alarm will sound, and the "Overcrank" status lamp will be lit. An engine mounted speed switch (G-1 only) will close when the engine reaches 400 rpm, indicating engine start. Upon receipt of this signal, the automatic engine start panel terminates cranking, enables the low oil pressure sensing circuit, and turns control of the engine over to the Woodward 2301A governor control board (new governor control for G-1 to be provided with the ATS). The control logic for the automatic engine starting panel flows through an engine cool down timer such that any start signal will cause the engine to run for the cool down setting before shutting down.



5. Generator Circuit Breaker Auto Close - With the controls in automatic, receipt of a run signal from Control Panel "PS" will cause the engine to start and ramp up to rated speed. The system checks for the following conditions before energizing the synchronizer:

- Utility source available
- Utility Circuit Breaker closed
- Generator circuit breaker open
- Generator voltage 90% nominal
- Generator frequency 95% nominal

The synchronizer sends a DC signal to the Woodward 2301A governor module to match speed of the generator to the utility. When the frequency of the engine is ± 0.25 Hz relative to the utility, and the phase angle is within 5 electrical degrees going toward zero, the synchronizer will close a contact signaling the generator circuit breaker to close.

6. Utility Circuit breaker Auto Close – Under certain conditions, the system will cause the engine generator to carry the facility load from the utility (utility circuit breaker open). The utility breaker will open in response to the following:

- Utility source failure
- Reverse Power (generator feeding power into utility)
- Overcurrent or negative sequence overcurrent
- Ground fault
- Generator not on-line when an "on-peak" signal is received from the utility
- G-1 failure during "on-peak" signal from the utility

The Lockout Relay must reset before the controls will allow utility breaker closure. The system will bring the generator into synchronism with the utility under load using the same parameters as described under "Generator Circuit Breaker Auto Close" above, and signal the utility breaker to close.

Section II: OPERATIONAL FEATURES

1. Loss of Utility:

- Monitoring utility voltage to detect a voltage drop in any phase, set at 80% of nominal (adjustable).
- Time delay activated, set at 3 seconds (adjustable to 30 seconds).
- If the existing gas generator set is running in parallel with the utility, the circuit breaker will trip open and the generator set shall shut down after an adjustable cooldown period.
- The new diesel genset signaled to start and 52 U trips open.
- Time delay activated for both source breakers to be simultaneously open, set at 0.6 seconds (adjustable 0.1 to 30 seconds).
- Monitoring genset voltage/frequency with auto-closing of 52 G-2 (diesel genset).



2. Return to Utility:

- Monitor for return of utility, voltage at 90% of nominal (adjustable).
- Time delay activated, set at 30 minutes (adjustable 1 second to 100 minutes).

C. Transition Mode - Open

- 52 G-2 trips open.
- Time delay activated for both source breakers to be simultaneously open, set at 0.6 seconds (adjustable 0.1 to 30 seconds).
- 52 U auto-closes.
- Genset shuts down after an unloaded/cooldown run time period expires (cooldown timer integral to ATS).

3. Test Operation:

- Manually initiated and selectable as No Load Test only or Full Load Test.
- No Load Test --- starts genset without load transfer.
- Full Load Test --- starts genset with load transfer.

B. Transition Mode - Open

- 52 U trips open.
- 52 G-2 auto-closes.
- Ceasing of Full Load Test results in return to the utility source in an open transition mode as described in 2A.
- Genset shutdown after an unloaded/cooldown run time period.

4. Base Load Operation (Gas Genset):

- Capable of being manually initiated locally or via remote input contact signal.
- Genset to start with generator breaker, 52 G-1, auto-closing under direction of the auto-synchronizing logic and var/power factor controller operative.
- Genset soft loads to a preset "base load" low output with var/power factor controller function operational.
- Genset remains in parallel with the utility source and produces a preset fixed kW (base load) output.
- Any power not absorbed by the load network to be "export" into the utility grid
- Ceasing of "base load" operation results in soft unlading of the genset to approach zero power level load transfer with 52 G-1 tripping open and genset shutdown.



5. Diesel Operation:
 - If the existing gas generator set fails during any parallel with utility operation, the new diesel generator set shall automatically start and operate as described in items 1 and 2 above.
6. Frequency Disturbance Monitoring
 - Armed when genset and utility source operating in parallel.
 - Close tolerance setting to detect utility source under/over frequency condition and causes tripping of utility source breaker, 52 U.
7. Electrical Protection/Control Function (G-1 Only):
 - Reverse power, 32 function, generator.
 - Loss of excitation, 40 function, generator.
 - Under/over voltage, 27/59 function, generator.
 - Under/over frequency, 81 O/U function, generator.
 - Monitoring of utility voltage/frequency to detect loss of and return of utility source.
 - Automatic synchronization speed/voltage matching.
 - Automatic genset loading controls.
 - Var/power factor controller.
 - Negative Sequence Time Overcurrent, 46 function, generator.
8. Generator Digital Metering (Integral to Touch Screen):

• AC Amperes in each phase • AC Voltage, each phase to phase • Frequency	• kilowatts • Power factor • kilowatt hours
--	---
9. Utility Digital Metering Read-out (Integral to Touch Screen):

• AC Voltage, each phase to phase	• Frequency
---	---
10. Annunciations (Integral to Touch Screen):

• Utility Source Available • Utility Source Breaker closed • Utility Source Breaker open • Summary Electrical Fault • Summary Engine Fault	• Generator Source Available • Generator Source Breaker Closed • Generator Source Breaker Open • Low Engine Battery Voltage • Spare
--	---
11. Control Circuits (Integral to Touch Screen):
 - Mode Selector for "Auto" / "Off" / "Manual".
 - No load test switch.



- Generator Voltage raise/lower.
- Engine speed raise/lower.
- Annunciation lamp reset/ test.

12. Output Signals/Circuits:

- Speed bias --- analog, digital or PWM - specify at time of order
- Voltage bias --- Analog or digital - specify at time of order
- Spare contacts --- generator breaker open, utility breaker open, summary fault
- Secondary Voltage Potential --- separate fused circuit for sensing potential to remote, generator auto voltage regulator

13. Engine Exerciser --- time clock with program logic to start genset once per week and run unloaded for 15 minutes (clock settings/run time field adjustable)

14. Switchgear Lineup

- NEMA 12 Metal enclosed for indoor service
- Front and rear access doors with key-lock handle
- Interior steel barriers forming breaker, bus, control compartments
- Interior space heaters, as required, 120 VAC or 240 VAC customer provided power source
- Open bottom rear areas (with gasketed cover plate) for field cable entrance/exit

14.1. Switchgear Dimensions:

- Switchgear shall be approximately 90 inches high by 60 inches wide by 50 inches deep with gasketed bus access panels on both sides near the rear.

14.2. Switchgear Dimensions:

- Switchgear layout as viewed from front left to right:
 - 52-U/52-2 cubicle with controls.
 - 52-1 cubicle with controls.

15. Additional Generator Components (Gas generator set):

- 1 - Insulated case circuit breaker, 3 pole, electrically operated with auxiliary contacts, DC shunt trip coil, automatic trip unit, solid state type with adjustable, long time and instantaneous settings plus rear bus stabs with NEMA standard hole pattern for field cables (lugs not included), breaker shall be rated 300 amperes, 65 kAIC, **drawout type**.
- 1 - Circuit breaker control switch, industrial type, with positions as required, includes position lamps.
- 1 - Breaker control transformer, fused, fixed mounted, for the breaker operating mechanism.
- 1 - Set of potential transformers, fix mounted, fused, as required.
- 3 - Current transformers wired to shorting type terminal board.



- 1 - Shorting type terminal board for current transformer secondaries.
- 1 - 2301A load share governor module.
- 1 - Set of 3 phase main bus with neutral bus bar and separate ground bus bar. The bus bars shall be braced for 65kA fault. Bus risers shall be provided for the breaker to the main bus, risers rated for frame size of the breaker. All bus bars to be **silver plated copper**. The rating of the main bus shall be suitable for the capacity of the system. A NEMA standard hole pattern shall be provided.

16. Additional Generator Components (Diesel generator set):

- 1 - Insulated case circuit breaker, 3 pole, electrically operated with auxiliary contacts, DC shunt trip coil, automatic trip unit, solid state type with adjustable, long time and instantaneous settings plus rear bus stabs with NEMA standard hole pattern for field cables (lugs not included), breaker shall be rated 600 amperes, 65 kAIC, **drawout type**.
- 1 - Circuit breaker control switch, industrial type, with positions as required, includes position lamps.
- 1 - Breaker control transformer, fused, fixed mounted, for the breaker operating mechanism.
- 1 - Mode Selector for "Auto" / "Off" / "Manual".
- 1 - Set of potential transformers, fix mounted, fused, as required.
- 1 - Generator available circuit with indicating lamp to determine when generator set at approximately 90% voltage and frequency, single phase sensing and field adjustable --- circuit provides portion of close signal to the generator circuit breaker.
- 1 - Set of 3 phase main bus with neutral bus bar and separate ground bus bar. The bus bars shall be braced for 65kA fault. Bus risers shall be provided for the breaker to the main bus, risers rated for frame size of the breaker. All bus bars to be **silver plated copper**. The rating of the main bus shall be suitable for the capacity of the system. A NEMA standard hole pattern shall be provided.

17. Genset Manufacturer's Responsibilities (G-2)

- Engine automatic start/stop cranking controls, engine monitored fault shutdowns with summary fault output contact.
- Engine 24 VDC battery source with battery charger.

18. Utility Protective Relaying:

- 1 - Microprocessor-based feeder management device, Schweitzer SEL-351S, with functions of protection, metering and monitoring --- shall include contacts to trip breaker.

(a) Protective functions shall include, as a minimum, the following:

- 25 Synchronizing check relay
- 27 Undervoltage
- 32 3 phase directional power (reverse power)
- 50 Instantaneous overcurrent /phase/ground/negative sequence
- 51 Time overcurrent /phase/ground /negative sequence
- 50N Neutral overcurrent



51N	Neutral time overcurrent
59	Overvoltage
67	Directional overcurrent/phase/ground/negative sequence
67N	Directional overcurrent/phase/ground/negative sequence
79	Auto-Reclosing
81O/U	Over/under frequency

Note: 32 device to be disabled when gensets are not in parallel with utility.

(b) Metering functions shall include current, voltage, kW, kVAR, kVA, kWh, kVARh, power factor, and frequency. Demand and peak demand functions include current, kW, kVAR, and kVA.

(c) The multi-function management device can also provide a loss of utility start signal for standby operation for the genset system.

19. Additional Utility Components

- 1 - Insulated case circuit breaker, 3 pole, electrically operated with auxiliary contacts, DC shunt trip coil, automatic trip unit, solid state type with adjustable, long time and instantaneous settings plus rear bus stabs with NEMA standard hole pattern for field cables (lugs not included), breaker shall be rated 300 amperes, 65 kAIC, **drawout type**.
- 1 - Circuit breaker control switch, industrial type, with positions as required, includes position lamps.
- 1 - Breaker control transformer, fused, fixed mounted, for the breaker operating mechanism.
- 1 - Set of potential transformers, fix mounted, fused, as required.
- 3 - Current transformers wired to shorting type terminal board.
- 1 - Shorting type terminal board for current transformer secondaries.
- 1 - Set of 3 phase main bus with neutral bus bar and separate ground bus bar. The bus bars shall be braced for 65kA fault. Bus risers shall be provided for the breaker to the main bus, risers rated for frame size of the breaker. All bus bars to be **silver plated copper**. The rating of the main bus shall be suitable for the capacity of the system. A NEMA standard hole pattern shall be provided.
- 1 - Device 86 - High speed lock out relay, manual reset type, coil voltage as required.
- 1 - 10 pole test switch - 6 pole current and 4 pole potential

Section III: Option 1:

Same as above with the addition of an air purging/pressurization system.

NOTE: Air for this system **MUST** be brought in from a safe zone.



Section IV: Exceptions/Clarifications:

1. Section 00300
 - 1.1. Item 5. Based on the bid date and the time required for review and issuing an award, this date is not feasible. See cover letter for delivery information.
2. Section 00500
 - 2.1. Item 3.2 Liquidated damages apply to general contractor and not to Enercon Engineering, INC. We take total exception to this item.
3. Section 16250
 - 3.1. Item 1.02 B. - States "Utilizing the same enclosure...." This can not be done and meet 2.03 J. 1. which calls for a NEMA 12 enclosure. A new enclosure meeting NEMA 12 will be provided.
 - 3.2. Item 2.03 O. 10 - Utility watt transducer not required since this is a base load operation only.



Section V: Terms and Condition of Sale

1. **CONTRACT OF SALE:** Enercon Engineering, Inc. (hereinafter called "seller") agrees to sell, and buyer agrees to purchase, the equipment described in this Proposal/[Confirmation]/[Invoice] pursuant to these terms and conditions, which shall constitute the entire contract of sale between buyer and seller. These terms and conditions supersede and take precedence over any and all terms, including, but not limited to, any contrary terms, in any documents (such as purchase orders) submitted by buyer to seller.
2. **ORDERS:** Orders are subject to acceptance at home office of seller.
3. **PRICES:** Unless otherwise specified in writing, all prices are F.O.B. seller's plant, and all quotations automatically expire sixty (60) calendar days from date of issue. The price of any equipment scheduled for shipment on a date beyond a period of six (6) months from date of seller's order confirmation is subject to increase by seller, unless otherwise agreed to in writing. All equipment will be suitably packed for domestic shipment, not suitable for long term storage, unless otherwise agreed to in writing.
4. **TERMS:** Payment terms are net cash thirty days from date of invoice.
5. **SHIPPING DATE:** Seller shall not be responsible for any default or delay in shipping due to contingencies beyond its control, or the control of its suppliers, which prevents or interferes with seller making delivery on the date specified, including but not limited to wars, or restraints affecting shipping, delivery of materials or credit as a result of strikes, lockouts, fires, floods, or any other contingency affecting the seller or its suppliers. The seller shall have the right to cancel a contract of sale or to extend the shipping date in the event that any such contingencies prevent or delay shipments. Seller shall not be liable for any losses incurred by late delivery of equipment. Equipment held by seller beyond scheduled delivery date for convenience of buyer will be invoiced on date of completion. Such equipment will be subject to charges for warehousing and other expenses incident to such delay.
6. **CANCELLATION:** Orders are not subject to cancellations or change in specifications, shipping schedules or other conditions originally agreed upon without seller's written consent, and then only upon agreement to compensate seller for expenses incurred by such cancellation or changes.
7. **TAXES:** Any excise tax, sales tax, other taxes, or duty of any nature arising out of or assessed against equipment or orders shall be the sole and exclusive responsibility of buyer and shall be added to the prices quoted or invoiced and shall in all circumstances be paid by the buyer.
8. **INSURANCE AND RISK OF LOSS:** The equipment manufactured by Enercon shall at all times after delivery to buyer, buyer's agent or transportation company, whichever occurs first, be the sole responsibility of the buyer, and all loss or damage to said equipment or any part thereof shall be borne by the buyer (even if Seller has arranged for transportation), unless otherwise agreed in writing. Any equipment not manufactured by Enercon which is delivered by buyer or buyer's agent to Enercon shall be the sole and exclusive responsibility of buyer. Buyer must maintain insurance on any such equipment delivered to seller.
9. **LIMITED WARRANTY:** Equipment manufactured by Enercon is warranted to be free from defects in material and workmanship under normal use, service, and indoor storage, for twelve (12) months after date of startup or eighteen (18) months after date of shipment from seller's plant, whichever occurs first, subject to the following provisions. This warranty is limited to repair, replacement or issuing of credit, as seller may elect, and at seller's manufacturing plant, of such parts as shall appear to seller, upon inspection, to have been defective in material or workmanship, but does not include any installation, labor or transportation costs. All warranty parts requests will require a Purchase Order. After evaluation, if deemed to be covered under warranty, the PO will not be charged. This warranty does not apply to normal maintenance or normal replacement of serviceable items. No warranty is made with respect to items manufactured by others. Seller shall in no event be liable for any special or consequential damages. Misapplication or revisions of equipment, without written approval by Enercon, will void the limited warranty. Replacement parts shall be warranted for six (6) months from date of shipment, subject to the terms and conditions as stated above for manufactured equipment. When the equipment reaches its final destination, the buyer must promptly notify the carrier of any damage, should the case arise. Otherwise, the buyer shall have no recourse against Enercon. Enercon inspects parts returned for warranty claim for misapplication. Misuse of equipment will void this warranty. Enercon shall in no event be liable for any special or consequential charges for replacing or installation of warranty parts.
10. **LIMITATION OF REMEDIES AND DAMAGES:** The Limited Warranty set forth in Section 9 above is in lieu of any and all other express and/or implied warranties. All other warranties, both express and/or implied, including but not limited to implied warranties of performance, merchantability or fitness for a particular purpose are expressly disclaimed and denied. Except for the remedy set forth in section 9 above, seller shall not be liable to buyer or any third party under this contract, or for anything in any manner relating to or arising out of the subject matter of this contract, for any loss of business or profits or for any general, direct, indirect, special, consequential, exemplary, punitive, incidental or other damages, loss or expenses, even if seller has been advised of the possibility of such damages, loss or expense. Seller is not responsible for any consequence of the use or application of the products by the buyer. Buyer shall indemnify and hold seller, and its officers, directors, employees and agents harmless against any and all losses, claims, damages, judgments, liabilities, costs and expenses (including attorneys' fees and expenses) arising out of or in any way related to the use of seller's products by buyer and/or any third party.
11. **VENUE:** Any and all disputes, claims, or causes of action arising out of or in any way relating to any equipment manufactured by Enercon must be brought in the Circuit Court for the Tenth Judicial Circuit, Tazewell County, Illinois.
12. **FUEL SURCHARGE:** Enercon Engineering, Inc. has two main product offerings which are susceptible to a fuel surcharge, incoming freight on large purchased-finished products and diesel engine load testing. These two products are very different in their cost structures and the manner in which their cost components are administered. Due to this fact, Enercon Engineering, Inc. has different fuel surcharge policies for each of these products.
 - **Incoming freight on large purchased-finished products**
 - No policy at this time
 - **Engine Load Testing**
 - Due to unexpected fluctuations of fuel prices tied to ever changing world events and subsequent market speculation, Engine Load Testing may require fuel surcharges. The surcharge will be adjusted weekly based on the U.S. National Average Fuel Index of the current Monday publication minus on-road taxes. The fuel index, published by the Energy Information Administration of the U.S. Department of Energy, is available by telephone at 202-586-6966 or on the department's internet site: <http://tonto.eia.doe.gov/oog/info/wohdp/diesel.asp>



ENERCON ENGINEERING, INC.

No. 1 Altorfer Lane • East Peoria, Illinois 61611

Telephone: 309-694-1418 • Fax: 309-694-3703

E-Mail: @enercon-eng.com

REFERENCES

Steve Howell	Accordis Industrial Fibers (AKZO)	(256) 574-7260
David Charles / Jim Linsley	ESCO Energy Services Company	(319) 373-3870
Chuck Wentzel	Gateway Cummins	(618) 345-0123
Doug Hodges	Holt Company of Texas	(210) 648-8470
Loyd Shoemaker	Holt Company of Texas	(972) 721-5841
Al Hymans	Hymans Engineering	(217) 787-0586
Phillip "Doc" Mueller	Illinois Municipal Electric Agency	(217) 789-4632
Paul VanDuyne	KJWW Engineering	(309) 788-0673
Scott Gauthier	Landfill Energy Systems	(810) 380-3920
Silvia Shaw	Nixon Power Services	(770) 452-7695
Bob Rayford	Quinn Company	(559) 896-4040
Tim Treat	Peterson Power Systems	(510) 895-8400
Mike Kearney	State Farm Insurance Companies	(309) 763-5745
Brian Muncher	Stowers Machinery	(865) 595-1057
Randell Meyers	Powell Valley Electric Cooperative	(423) 626-0701
Michael Gilbert	Southworth-Milton	(603) 746-4671
Jim Grove	Sunbelt Power Systems	(770) 941-2424
Kurt Bresser	Temple University	(215) 204-4515
Wesley Tuggle	Thompson Power Systems	(205) 849-3649
Barry Janssen	Warren Cat	(918) 660-2372
David West	West Georgia Electric	(770) 832-2902
Chris Glancy	Penn Power Systems	(724) 631-1268
Rob McNaughton	Beckwith Machinery	(724) 325-9398

ENERGY CONTROLS for POWER GENERATION, plus GENERATOR SET PACKAGING, ASSEMBLIES & TESTING

N.E. Regional Office: Suncook Business Park • Rt. 28 • Allenstown, NH 03275 USA • PH: 603-485-1118 • FX: 603-485-2261
Far East Office: 30 Toh Guan Rd. • #07-08 OSIM Distribution Ctr. • Singapore 609601 • PH: 65-565-5165 • FX: 65-565-7130
S.E. Regional Office: 1983 N.W. 88th Ct. • Suite 303 • Miami, FL 33172 USA • PH: 305-718-3894 • FX: 305-718-3896

SECTION 00300
BID FORM

PROJECT IDENTIFICATION:

City of Pekin, Automatic Transfer Switch

THIS BID SUBMITTED TO:

City of Pekin

1. The undersigned BIDDER proposes and agrees, if this Bid is accepted, to enter into an agreement with OWNER in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Price within the Contract Time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.
2. BIDDER accepts all of the terms and conditions of the Advertisement or Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for sixty days after the day of the Bid opening. BIDDER will sign and submit the Agreement with the Bonds and other documents required by the Bidding Requirements within ten days after the date of OWNER's Notice of Award.
3. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that:
 - a) BIDDER has examined copies of all the Bidding Documents and of the following Addenda (receipt of all which is hereby acknowledged):

Date JAN. 31, 2006 Number N/A
 - b) BIDDER has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.
 - c) BIDDER has studied carefully all reports and drawings of subsurface conditions and drawings of physical conditions which are identified in the Supplementary Conditions as provided in paragraph 4.2 of the General Conditions, and accepts the determination set forth in the Supplementary Conditions of the extent of the technical data contained in such reports and drawings upon which BIDDER is entitled to rely.
 - d) BIDDER has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, and studies (in addition to or to supplement those referred to in c) above which pertain to the subsurface or physical conditions at the site or otherwise may affect the cost, progress, performance or furnishing of the Work as BIDDER considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of paragraph 4.2 of the General Conditions; and no additional examinations, investigations, explorations, tests, reports, or similar information or data are or will be required by the BIDDER for such purposes.

PEKIN MUNICIPAL BUS SERVICE

SAFETY-SENSITIVE FUNCTIONS

Safety Manager

Supervisor

Full-time Bus Operator

Part-time Bus Operator

Mechanic

Part 655 – Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations:

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Appendix D to Part 655 – Alcohol Testing Management Information System (MIS) “EZ” Data Collection Form

Subpart A - General

655.1 Purpose

The purpose of this part is to establish programs to be implemented by employers that receive financial assistance from the Federal Transit Administration (FTA) and by contractors of those employers, that designed to help prevent accident, injuries, and fatalities resulting from the misuse of alcohol and use of prohibited drugs by employees who perform safety-sensitive functions.

655.2 Overview

(a) This part includes nine subparts. Subpart A of this part covers the general requirements of FTA's drug and alcohol testing programs. Subpart B of this part specifies the basic requirements of each employer's alcohol misuse and prohibited drug use program, including the elements required to be in each employer's testing program. Subpart C of this part describes prohibited drug use. Subpart D of this part describes prohibited alcohol use. Subpart E of this part describes the types of alcohol and drug tests to be conducted. Subpart F of this part addresses the testing procedural requirements mandated by the Omnibus Transportation Employee Testing Act of 1991, and as required in 49 CFR Part 40 Subpart G of this part lists the consequences for covered employees who engage in alcohol misuse or prohibited drug use. Subpart H of this part contains administrative matters, such as reports and recordkeeping requirements. Subpart I of this part specifies how recipient certifies compliance with the rule.

(b) This part must be read in conjunction with 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

655.3 Applicability

(a) Except as specifically excluded in paragraph (b) of this section, this part applies to:

(1) Each recipient and sub-recipient receiving Federal assistance under:

(i) 49 U.S.C. 5307, 5209, or 5311; or

(ii) 23 U.S.C. 103(e)(4); and

(2) Any contractor of a recipient or sub-recipient of Federal assistance under:

(i) 49 U.S.C. 5307, 5309, or 5311; or

(ii) 23 U.S.C. 103(e)(4).

(b) A recipient operating a railroad regulated by Federal Administration (FRA) shall follow 40 CFR Part 219 and 655.83 for its railroad operations, and shall follow this part for its non-railroad operations, if any.

655.4 Definitions.

For this part, the terms listed in this section have the following definitions. The definitions of additional terms used in this part but not listed in this section can be found in 49 CFR Part 40.

Accident means an occurrence associated with the operation of a vehicle, if as a result:

(1) An individual dies; or

(2) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or

(3) With the respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicles or vehicle are transported away from the scene by a tow truck or other vehicle; or

(4) With respect of the occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, vessel, the mass transit vehicle is removed from operation.

Administrator means the administrator of the Federal Transit Administration or the Administrator's designee.

Anti-drug program means a program to detect and deter the use of prohibited drugs as required by this part.

Certification means a recipient's written statement authorized by the organization governing board or other authorizing official that the recipient has complied with the provisions of this part. (See 655.82 and 655.83 for certification requirements.)

Contractor means a person or organization that provides a safety sensitive service for a recipient, sub-recipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

Covered employee means a person, including and applicant or transferee, who performs or will perform a safety-sensitive function for an entity subject to this part. A volunteer is a covered employee if:

(1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or

(2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in volunteer activity.

Disability damage means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

(1) Inclusion. Damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven.

(2) Exclusions. (i) Damage that can be remedied temporarily at the scene of the accident without special tools or parts.

(ii) Tire disablement without other damage even if no spare tire is available.

(iii) Headlamp or taillight damage.

(iv) Damage to turn signals, horn, or windshield wipers, which makes the vehicle inoperable.

DOT or the Department means the United State Department of Transportation.

DOT agency means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring drug and alcohol testing. See 14 CFR part 121, appendices I and J; 33 CFR parts 4,5, and 16; and 49 CFR parts 199, 219, 382, and 655.

Employer means a recipient or other entity that provides mass transportation service, which performs safety-sensitive function for such recipient or other entity. This term includes sub-recipients, operators, and contractors.

FTA means the Federal Transit Administration, an agency of the U.S. Department of Transportation.

Performing (a safety-sensitive function) means a covered employee is considered to be performing safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive rate means the sum of the annual number of positive results for random drug tests conducted under this part plus the annual number of refusals to submit to a random drug tests conducted under this part plus the annual number of refusals to submit to random drug test authorized under this part.

Railroad means:

(1) All forms of non-highway ground transportation that run on rails or electromagnetic guide ways, including:

(i) Commuter or other short-haul rail passengers service in the metropolitan or suburban area, as well as any commuter rail service that was operated by the Consolidated Rail Corporation as of January 1, 1979; and (ii) High speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with the traditional railroads.

(3) Such terms does not include rapid transportation operations within an urban area that are not connected to the general railroad system of transportation.

Recipient means an entity receiving Federal financial assistance under 49 U.S.C. 5307, 5309, or 5311; or under 23 U.S.C. 103(e)(4).

Refuse to submit means any circumstance outlined in 49 CFR 40.191 and 40.261.

Safety-sensitive function means any of the following duties, when performed by employees of recipients, sub-recipients, operators, or contractors:

- (1) Operating a revenue service vehicle, including when not in revenue service;
- (2) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License;
- (3) Controlling dispatch or movement of revenue service vehicle;
- (4) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service. This section does not apply to the following: an employer who receives funding under 49 U.S.C. 5307 or 5309, is an area less than 200,000 in population, and contracts out such services; or an employer who receives funding under 49 U.S.C. 5311 and contracts out such services;
- (5) Carrying a firearm for security purposes.

Vehicle means a bus, electric bus Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(a) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(b) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(c) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

- (d) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(a) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(b) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(a) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(b) An education and training program which meets the requirements of section 655.14 of this subpart.

(c) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(d) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

Education. The Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

- (a) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.
- (b) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.
- (c) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.
- (d) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

- (a) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.
- (b) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(a) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(b) An education and training program which meets the requirements of section 655.14 of this subpart.

(c) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(d) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(a) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(b) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

- (a) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.
- (b) The categories of employees who are subject to the provisions of this part.
- (c) Specific information concerning the behavior and conduct prohibited by this part.
- (d) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.
- (e) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.
- (f) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.
- (g) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.
- (h) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.
- (i) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- (j) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(a) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(b) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (1) Marijuana;
- (2) Cocaine;
- (3) Opiates;
- (4) Amphetamines; and
- (5) Phencyclidine.

(c) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(a) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(b) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the

specified on-call hours of each covered employee who is on-call. The procedure shall include:

(1) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(2) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(1) The employee's alcohol concentration measures less than 0.02; or

(2) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol

concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(a) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(b) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(c) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(d) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(a) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(b) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(c) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(d) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(e) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(f) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as

provided in 49 CFR 40.21.

(g) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

(h) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(c) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(d) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(e) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(f) An education and training program which meets the requirements of section 655.14 of this subpart.

(g) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(h) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(c) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(d) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

- (c) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.
- (d) The categories of employees who are subject to the provisions of this part.
- (k) Specific information concerning the behavior and conduct prohibited by this part.
- (l) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.
- (m) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.
- (n) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.
- (o) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.
- (p) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.
- (q) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- (r) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(c) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(d) When administering a drug test, an employer shall ensure that the following drugs are tested for:

(1) Marijuana;

(2) Cocaine;

(3) Opiates;

Amphetamines; and

(5) Phencyclidine.

(d) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(c) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(3) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(4) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(4) The employee's alcohol concentration measures less than 0.02; or

(5) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol

concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(e) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(f) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(g) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(h) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has

not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(e) The employer must conduct a pre-employment alcohol test before the first

performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(f) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(g) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(h) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(i) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(j) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(k) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

(l) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(e) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(f) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B -- Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(i) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(j) An education and training program which meets the requirements of section 655.14 of this subpart.

(k) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(l) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(e) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(f) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited

drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

- (e) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.
- (f) The categories of employees who are subject to the provisions of this part.
- (s) Specific information concerning the behavior and conduct prohibited by this part.
- (t) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.
- (u) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.
- (v) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.
- (w) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.
- (x) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.
- (y) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- (z) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C -- Prohibited Drug Use

§655.21 Drug testing.

(e) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(f) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (6) Marijuana;
- (7) Cocaine;
- (8) Opiates;
- (9) Amphetamines; and
- (5) Phencyclidine.

(e) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D -- Prohibited Alcohol Use

§655.31 Alcohol testing.

(d) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(e) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(5) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(6) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(10) The employee's alcohol concentration measures less than 0.02; or

(11) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol

concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(i) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment

drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(j) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(k) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(l) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(i) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(j) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(k) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(l) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the

annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing. An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(m) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(n) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

(o) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(g) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(h) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(m) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(n) An education and training program which meets the requirements of section 655.14 of this subpart.

(o) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(p) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(g) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(h) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

(g) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

(h) The categories of employees who are subject to the provisions of this part.

(aa) Specific information concerning the behavior and conduct prohibited by this part.

(bb) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.

(cc) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered

employee.

(dd) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.

(ee) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

(ff) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.

(gg) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(hh) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(g) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(h) When administering a drug test, an employer shall ensure that the following drugs are tested for:

(12) Marijuana;

(13) Cocaine;

(14) Opiates;

(15) Amphetamines; and (5) Phencyclidine.

(f) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(f) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(g) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(7) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(8) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to

perform or continue to perform safety-sensitive functions, until:

(6) The employee's alcohol concentration measures less than 0.02; or

(16) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol

concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(m) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(n) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(o) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(p) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has

not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(m) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(n) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(o) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(p) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(p) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(q) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(r) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

(s) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(i) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the

date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(q) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(r) An education and training program which meets the requirements of section 655.14 of this subpart.

(s) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(t) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(i) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(j) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

- (i) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.
- (j) The categories of employees who are subject to the provisions of this part.
- (ii) Specific information concerning the behavior and conduct prohibited by this part.
- (jj) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.
- (kk) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.
- (ll) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.
- (mm) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.
- (nn) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.
- (oo) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- (pp) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(i) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(j) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (17) Marijuana;
- (18) Cocaine;
- (19) Opiates;
- (20) Amphetamines; and
- (21) Phencyclidine.

(g) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(h) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(i) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(9) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(10) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(21) The employee's alcohol concentration measures less than 0.02; or

(22) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(q) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(r) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(s) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(t) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(q) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(r) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(s) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(t) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(t) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(u) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(v) Each petition for a waiver must be submitted to the Office of Safety and Security,

- (w) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(j) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(k) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(u) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(v) An education and training program which meets the requirements of section 655.14 of this subpart.

(w) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(x) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(k) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(l) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

(k) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

(l) The categories of employees who are subject to the provisions of this part.

(qq) Specific information concerning the behavior and conduct prohibited by this part.

(rr) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.

(ss) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.

(tt) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.

(uu) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

(vv) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.

(ww) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(xx) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(k) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(l) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (m) Marijuana;
- (n) Cocaine;
- (o) Opiates;
- (p) Amphetamines; and
- (q) Phencyclidine.

(h) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(j) An employer shall establish a program that provides for testing for alcohol in the

following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(k) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(11) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(12) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(23) The employee's alcohol concentration measures less than 0.02; or

(24) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action

under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(u) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(v) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(w) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has

not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(u) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(v) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(w) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(x) The employer must conduct all pre-employment alcohol tests using the alcohol testing

procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(x) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(y) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(z) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

(aa) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(l) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(m) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(y) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(z) An education and training program which meets the requirements of section 655.14 of this subpart.

(aa) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(bb) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(m) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(n) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

(m) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

(n) The categories of employees who are subject to the provisions of this part.

Specific information concerning the behavior and conduct prohibited by this part.

(yy) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.

(zz) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.

(aaa) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.

(bbb) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

(ccc) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.

(ddd) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(eee) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(r) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(s) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (1) Marijuana;
- (2) Cocaine;
- (3) Opiates;
- (4) Amphetamines; and
- (5) Phencyclidine.

(i) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(l) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(m) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

- (13) The opportunity for the covered employee to acknowledge the use of alcohol at the

time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(14) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(5) The employee's alcohol concentration measures less than 0.02; or

(6) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(x) An employer may not transfer an employee from a non-safety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(y) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(z) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(y) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(z) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(aa) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(bb) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(bb) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory -- confirmed positive drug test or refusal, pending the outcome of the verification process.

(cc) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(dd) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

(ee) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(n) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(o) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(cc) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(dd) An education and training program which meets the requirements of section 655.14 of this subpart.

(ee) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(ff) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(o) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(p) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

(o) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

(p) The categories of employees who are subject to the provisions of this part.

(fff) Specific information concerning the behavior and conduct prohibited by this part.

(ggg) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.

(hhh) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.

(iii) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.

(jjj) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

(kkk) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.

(lll) The consequences, as set forth in §655.35 of subpart D, for a covered employee

who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(mmm) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(t) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(u) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (1) Marijuana;
- (2) Cocaine;
- (3) Opiates;
- (4) Amphetamines; and
- (5) Phencyclidine.

(j) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(n) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-

up. An employer may also conduct pre-employment alcohol testing.

(o) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(15) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(16) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(4) The employee's alcohol concentration measures less than 0.02; or

(5) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(aa) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(bb) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(cc) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(dd) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(cc) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(dd) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(ee) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(ff) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than

0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(ff) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(gg) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(hh) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

(ii) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(p) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(gg) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(hh) An education and training program which meets the requirements of section 655.14 of this subpart.

(ii) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(jj) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(q) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(r) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

(q) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

(r) The categories of employees who are subject to the provisions of this part.

(nnn) Specific information concerning the behavior and conduct prohibited by this part.

(ooo) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.

(ppp) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.

(qqq) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.

(rrr) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

(sss) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.

(ttt) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(uuu) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(v) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(w) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (1) Marijuana;
- (2) Cocaine;
- (3) Opiates;
- (4) Amphetamines; and
- (5) Phencyclidine.

(k) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(p) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(q) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(17) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(18) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(5) The employee's alcohol concentration measures less than 0.02; or

(6) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(ee) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(ff) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(gg) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(hh) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(gg) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(hh) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(ii) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(jj) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(jj) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(kk) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(ll) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

(mm) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(q) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this

part.

(r) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(kk) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(ll) An education and training program which meets the requirements of section 655.14 of this subpart.

(mm) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(nn) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(s) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(t) Training. (1) Covered employees. Covered employees must receive at least 60

minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

(s) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

(t) The categories of employees who are subject to the provisions of this part.

(vvv) Specific information concerning the behavior and conduct prohibited by this part.

(www) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.

(xxx) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.

(yyy) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.

(zzz) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

(aaaa) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.

(bbbb) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(cccc) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer

may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(x) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(y) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (1) Marijuana;
- (2) Cocaine;
- (3) Opiates;
- (4) Amphetamines; and
- (5) Phencyclidine.

(l) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(r) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(s) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing

safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(19) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(20) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(5) The employee's alcohol concentration measures less than 0.02; or

(6) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(ii) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the

employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(jj) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(kk) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(ll) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(kk) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(ll) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(mm) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(nn) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of

refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(nn) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(oo) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(pp) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

(qq) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(s) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(t) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(oo) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

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of 0.04 or greater to a Substance Abuse Professional,

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safety, and on the signs and symptoms that may indicate prohibited

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training on
misuse.

Supervisors and/or other company officers authorized by the employer to
conduct terminations shall receive at least 60 minutes of training on the
performance indicators of probable drug use and at least 60 minutes of
training on the physical, speech, and performance indicators of probable alcohol

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Statement contents.

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that will be used to test for the presence of illegal drugs or alcohol
and the integrity of the drug and alcohol testing process, safeguard
the test results and ensure the test results are attributed to the correct covered

employee.

(gggg) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.

(hhhh) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

(iiii) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.

(jjjj) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(kkkk) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(z) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(aa) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (1) Marijuana;
- (2) Cocaine;
- (3) Opiates

- (4) Amphetamines; and
- (5) Phencyclidine.
- (m) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(t) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(u) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(21) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(22) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(5) The employee's alcohol concentration measures less than 0.02; or

(6) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(mm) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(nn) An employer may not transfer an employee from a non-safety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(oo) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(pp) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(oo) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(pp) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(qq) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(rr) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(rr) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(ss) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(tt) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W. Washington, D.C. 20590.

(uu) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(u) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(v) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(ss) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(tt) An education and training program which meets the requirements of section 655.14 of this subpart.

(uu) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(vv) Procedures for referring a covered employee who has a verified positive drug test result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(w) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(x) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of

training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

- (w) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.
- (x) The categories of employees who are subject to the provisions of this part.
- (llll) Specific information concerning the behavior and conduct prohibited by this part.
- (mmmm) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.
- (nnnn) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.
- (oooo) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.
- (pppp) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.
- (qqqq) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.
- (rrrr) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- (ssss) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(bb) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(cc) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (1) Marijuana;
- (2) Cocaine;
- (3) Opiates;
- (4) Amphetamines; and
- (5) Phencyclidine.

(n) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(v) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(w) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(23) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(24) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(5) The employee's alcohol concentration measures less than 0.02; or

(6) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(qq) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(rr) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(ss) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(tt) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(ss) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(tt) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(uu) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(vv) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. Vehicle means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

Violation rate means the sum of the annual number of results from random alcohol tests conducted under this part that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this part, divided by the sum of the annual number of random alcohol tests conducted under this part plus the annual number of refusals to submit to a drug test authorized under this part.

§655.5 Stand-down waivers for drug testing.

(vv) An employer subject to this part may petition the FTA for a waiver allowing the employer to stand down, per 49 CFR Part 40, an employee following a report of a laboratory confirmed positive drug test or refusal, pending the outcome of the verification process.

(ww) Each petition for a waiver must be in writing and include facts and justification to support the waiver. Each petition must satisfy the requirements for obtaining a waiver, as provided in 49 CFR 40.21.

(xx) Each petition for a waiver must be submitted to the Office of Safety and Security, Federal Transit Administration, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

(yy) The Administrator may grant a waiver subject to 49 CFR 40.21(d).

§655.6 Preemption of State and local laws.

(w) Except as provided in paragraph (b) of this section, this part preempts any state or local law, rule, regulation, or order to the extent that: (1) Compliance with both the state or local requirement and any requirement in this part is not possible; or (2) Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

(x) This part shall not be construed to preempt provisions of state criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

§655.7 Starting date for testing programs.

An employer must have an anti-drug and alcohol misuse testing program in place by the date the employer begins operations.

Subpart B – Program Requirements

§655.11 Requirement to establish an anti-drug use and alcohol misuse program.

Each employer shall establish an anti-drug use and alcohol misuse program consistent with the requirements of this part.

§655.12 Required elements of an anti-drug use and alcohol misuse program.

An anti-drug use and alcohol misuse program shall include the following:

(ww) A statement describing the employer's policy on prohibited drug use and alcohol misuse in the workplace, including the consequences associated with prohibited drug use and alcohol misuse. This policy statement shall include all of the elements specified in section 655.15 of this subpart. Each employer shall disseminate the policy consistent with the provisions of section 655.16 of this subpart.

(xx) An education and training program which meets the requirements of section 655.14 of this subpart.

(yy) A testing program, as described in Subparts C and D of this part, which meets the requirements of this part and 49 CFR Part 40.

(zz) Procedures for referring a covered employee who has a verified positive drug test

result or an alcohol concentration of 0.04 or greater to a Substance Abuse Professional, consistent with 49 CFR Part 40.

§655.13 [Reserved]

§655.14 Education and training programs.

Each employer shall establish an employee education and training program for all covered employees, including:

(y) Education. The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(z) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

(y) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

(z) The categories of employees who are subject to the provisions of this part.

(ttt) Specific information concerning the behavior and conduct prohibited by this part.

(uuuu) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.

(vvvv) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.

(www) The requirement that a covered employee submit to drug and alcohol testing administered in accordance with this part.

(xxxx) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

(yyyy) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.

(zzzz) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(aaaaa) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C -- Prohibited Drug Use

§655.21 Drug testing.

(dd) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(ee) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (1) Marijuana;
 - (2) Cocaine
 - (3) Opiates
 - (4) Amphetamines; and
 - (5) Phencyclidine.
- (o) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(x) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(y) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

§655.32 On duty use.

Each employer shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

§655.33 Pre-duty use.

(a) General. Each employer shall prohibit a covered employee from using alcohol within 4 hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.

(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(25) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(26) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(5) The employee's alcohol concentration measures less than 0.02; or

(6) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(uu) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(vv) An employer may not transfer an employee from a non-safety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(ww) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(xx) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has

not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(ww) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(xx) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(yy) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(zz) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02. education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance, if available.

(aa) Training. (1) Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.

(2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

§655.15 Policy Statement contents.

The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

(aa) The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

(bb) The categories of employees who are subject to the provisions of this part.

(bbbbb) Specific information concerning the behavior and conduct prohibited by this part.

(ccccc) The specific circumstances under which a covered employee will be tested for prohibited drugs or alcohol misuse under this part.

(ddddd) The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct covered employee.

(eeee) The requirement that a covered employee submit to drug and alcohol testing

administered in accordance with this part.

(ffff) A description of the kind of behavior that constitutes a refusal to take a drug or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

(ggggg) The consequences for a covered employee who has a verified positive drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR Part 40.

(hhhhh) The consequences, as set forth in §655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(iiii) The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

§655.16 Requirement to disseminate policy.

Each employer shall provide written notice to every covered employee and to representatives of employee organizations of the employer's anti-drug and alcohol misuse policies and procedures.

§655.17 Notice requirement.

Before performing a drug or alcohol test under this part, each employer shall notify a covered employee that the test is required by this part. No employer shall falsely represent that a test is administered under this part.

§655.18 - §655.20 [Reserved]

Subpart C – Prohibited Drug Use

§655.21 Drug testing.

(ff) An employer shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

(gg) When administering a drug test, an employer shall ensure that the following drugs are tested for:

- (5) Marijuana;
- (6) Cocaine;
- (7) Opiates;
- (8) Amphetamines; and
- (5) Phencyclidine.

(p) Consumption of these products is prohibited at all times.

§655.22 – §655.30 [Reserved]

Subpart D – Prohibited Alcohol Use

§655.31 Alcohol testing.

(z) An employer shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. An employer may also conduct pre-employment alcohol testing.

(aa) Each employer shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater, from performing or continuing to perform a safety-sensitive function.

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(b) On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

(27) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.

(28) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol, but claims ability to perform his or her safety-sensitive function.

§655.34 Use following an accident.

Each employer shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test under §655.44 of subpart E for eight hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

§655.35 Other alcohol-related conduct.

(a) No employer shall permit a covered employee tested under the provisions of subpart E of this part who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:

(3) The employee's alcohol concentration measures less than 0.02; or

(4) The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no employer shall take any action under this part against an employee based solely on test results showing an alcohol

concentration less than 0.04. This does not prohibit an employer with authority independent of this part from taking any action otherwise consistent with law.

Subpart E - Types of Testing

§655.41 Pre-employment drug testing

(yy) (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the employer must ensure that the employee takes a pre-employment drug test administered under this part with a verified negative result. An employer may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this part with a verified negative result.

(2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

(zz) An employer may not transfer an employee from a nonsafety-sensitive function to a safety-sensitive function until the employee takes a pre-employment drug test administered under this part with a verified negative result.

(aaa) If a pre-employment drug test is canceled, the employer shall require the covered employee or applicant to take another pre-employment drug test administered under this part with a verified negative result.

(bbb) When a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has

not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

§655.42 Pre-employment alcohol testing.

An employer may, but is not required to, conduct pre-employment alcohol testing under this part. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

(aaa) The employer must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(bbb) The employer must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others).

(ccc) The employer must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(ddd) The employer must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.

The employer must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02.

OVER-THE-COUNTER DRUGS

A list of some of the medications that have been identified by the National Transportation Safety Board and FTA as medications of concern is provided below. This is not definitive or all-inclusive, but is provided as a starting point. Many of these medications can cause drowsiness or could impair a safety-sensitive employee's cognitive or mental abilities to safely perform their safety-sensitive job functions. It is encouraged and recommended that safety sensitive employees enter into a dialogue with their physician or pharmacist regarding the side effects of medications and to inquire into the potential alternative treatments that will not jeopardize the employee's ability to safely perform their safety-sensitive job functions.

Analgesics:

Aspirin w/Codeine, Codeine, Darvocet, Darvon, Demerol, Dilaudid, Ermpirin Compound w/Codeine, Levo-Dromoran, Methodone, Morphine, Percocet, Percodan, Soma Compound w/Codeine, Talacet, Talwin, Tylenol w/Codeine, and Vicodin.

Anti-Motion Sickness:

Antivert, Dramamine, Marezine, Transderm-Scop.

Tranquilizers and Sedatives:

Ativan, Denadryl, Centrax, Compazine, Dalmane, Equani, Halcion, Haldon, Libritabs, Librium, Limbitrol, Paxipam, Phenergan, Prolixin, Serex, Stelazine, Thorazine, Tranxene, Valium, Vlarelelease, Xanax.

Antidepressants:

Adapin, Denadryl, Centrax, Compazine, Dalmane, Diazepam, Equani, Halcion, Haldol, Libritabs, Librium, Limbitrol, Paxipam, Phenergan, Prolixin, Serex, Stelazine, Thorazine, Tranxene, Valium, Triavil, Vivactil.

Barbiturates:

Alurate, Butisol, Dilantin, Mebaral, Nembutal, Pentobarbital, Phenobarbital, Secobarbital, Seconal, Sedepap, Tuinal.

Skeletal Muscle Relaxants:

Flexiril, Parafon, Soma.

Non-Prescription Cough & Cold Remedies, Antihistamines:

Benadryl, Bromfed, Chlortrimetron, Comtrex, Contac, Deconamine, Dimetapp, Dristan, Drixoral, Externdryl, Fedahist, Kronofed, Naldecon, Nolamin, Novafed, Ornade, Phenergan, Rondec, Rynatan, Sinubid, Sinulin, Tavist-D.

If for any reason an employee has been prescribed or has taken any of the above medications within a 24-hour period, management personnel will be notified prior to the start of any work.

138- 05/06

RESOLUTION No. _____

February 13, 2006

PEKIN, ILLINOIS, _____

RESOLUTION BY COMMISSIONER _____

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS, THAT:

The City of Pekin Municipal Bus Service Substance Abuse Policy, attached hereto

And incorporated herein by this reference, is hereby approved.



SIGNED BY _____

MAYOR.

PEKIN MUNICIPAL BUS SERVICE

SUBSTANCE ABUSE POLICY

JANUARY 1995

REVISION: JANUARY 2006

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PEKIN MUNICIPAL BUS SERVICE

SUBSTANCE ABUSE POLICY

POLICY

The Pekin Municipal Bus Service is dedicated to providing safe, dependable, and economical transportation services to our transit system passengers. The Pekin Municipal Bus Service employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment in which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispersing, possession, or use of controlled substances; (4) to encourage employees to seek professional assistance for alcohol or drug dependency prior to it adversely affecting their ability to perform their assigned duties; and (5) if an employee is in need of treatment and voluntarily submits him / herself for treatment prior to any event or circumstance requiring testing by the PMBS and resulting in the discovery of a violation of this policy, the employee submission to treatment will not result in disciplinary action.

PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR, Parts 633 and 654, as amended, that mandate urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published 49 CFR, Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR, Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

APPLICABILITY

This policy applies to all safety-sensitive transit system employees, contract employees and contractors when they are on transit property or when performing any transit-related safety-sensitive business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contractor employees are governed by this policy while on transit premises and will not be permitted to conduct transit business if found to be in violation of this policy.

A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), dispatch, and maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, and any other employee who are required to hold a Commercial Driver's License. A list of safety-sensitive positions is attached.

PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

Illegally Used Controlled Substances or Drugs

Any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work-related duties.

A legally prescribed drug means that individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the nature of the substance, quantity / amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited.

Alcohol

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy or any other substance such that alcohol is present in the body while performing transit business is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

PROHIBITED CONDUCT

Manufacture, Trafficking, Possession, and Use

Transit system employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on PMBS premises whether on or off duty, in transit vehicles, or while on duty or show-up. Employees who violate this provision will be terminated. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

Intoxication / Under the Influence

Any safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action, up to and including termination. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

Alcohol Use

No safety-sensitive employee should report for duty or remain on duty when his / her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his / her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty or show-up or while performing safety-sensitive functions. Violation will result in termination. Alcohol should not be used just before or just after performing a safety-sensitive function. No safety-sensitive employee shall use alcohol within four hours of reporting for duty, or during the hours that they are on call or show-up. Violation of this provision is prohibited and punishable by disciplinary action up to and including termination.

Compliance with Testing Requirements

All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and their employment terminated. Any safety-sensitive employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of these actions will result in the employee's removal from duty and their employment terminated. Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

Treatment Requirements

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems prior to discovery by testing conducted by the PMBS. Any employee who refuses or fails to comply with the PMBS's requirements for continuous treatment, after care, or return to duty testing shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave, vacation leave, or medical leave of absence to participate in the prescribed rehabilitation program.

Notifying the PMBS of Criminal Drug Conviction

All employees are required to notify the PMBS of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

Proper Application of the Policy

The PMBS is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates shall be subject to disciplinary action, up to and including termination.

TESTING PROCEDURES

Analytical urine drug testing and breath testing for alcohol may be conducted pursuant to this policy or as required by Federal regulations. All safety-sensitive employees shall be subject to testing prior to employment, for reasonable suspicion, and following an accident as defined in Section 6.A., 6.B., and 6.C. of this policy. If a safety-sensitive employee has not been terminated for failing a drug or alcohol test, then he / she will be tested prior to returning to duty after completion of the Substance Abuse Professional's recommended treatment program. Those employees who perform safety-sensitive functions as defined in the attachment to this policy shall also be subject to follow-up testing on a random, unannounced basis due to their violation of this policy. Follow-up testing will be conducted for a period of one to five years, with at least six tests performed during the first year.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR, Part 40, as amended.

The drugs that will be tested for are marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography / Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR, Part 40, as amended. In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, the PMBS reserves the right to test for additional drugs under the PMBS's own authority using standard laboratory testing protocols.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration if 0.02

or greater, a second test will be performed to confirm the results of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his / her position for eight hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR, Part 654 for safety-sensitive employees.

Any safety-sensitive employee that has a confirmed positive drug or alcohol test will be removed from his / her position, informed of educational and rehabilitation programs available,

and referred to a Substance Abuse Professional (SAP) for assessment. A positive drug and / or alcohol test will also result in disciplinary action up to and including termination.

The transit system affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

Employee Requested Testing

Any safety-sensitive employee who questions the results of a required drug test under paragraphs 6.B. through 6.G. of this policy may request that an additional test be conducted. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. All costs for such testing are paid by the employee. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR, Part 40, as amended. The employee's request for a split sample test must be made to the Assistant General Manager or his/her designee within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee. In these cases, the cost of the second test will be reimbursed to the employee if the results are negative.

Pre-Employment Testing

All safety-sensitive position applicants shall undergo urine drug testing and breath alcohol testing immediately following the offer of employment or transfer into a safety-sensitive position. Receipt by the PMBS of a negative drug test result is required prior to employment. Receipt of a negative alcohol test is also required prior to employment and before the employee can perform any safety-sensitive duties. Failure of a pre-employment drug or alcohol test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence of drug or alcohol dependency from a Substance Abuse Professional that meets with the approval of the PMBS and negative pre-employment drug and alcohol tests will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be for the sole responsibility of the individual.

Reasonable Suspicion Testing

All safety sensitive employees may be subject to a fitness for duty evaluation, and urine and / or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of facts and circumstances, which are consistent with the short-term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to the following:

Physical signs and symptoms consistent with prohibited substance use.

Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.

Occurrence of a serious or potentially serious accident, that may have been caused by prohibited Substance Abuse or alcohol misuse.

Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Reasonable suspicion referrals must be made by a supervisor, foreman, Department Head, General Manager, or Assistant General Manager who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his / her work performance due to possible prohibited substance abuse or misuse.

Post-Accident Testing

All safety-sensitive employees will be required to undergo urine and breath testing if:

A safety-sensitive employee is involved in an accident with a PMBS vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality including all surviving safety-sensitive employees that are on-duty in the vehicles and any other whose performance could have contributed to the accident including maintenance personnel who may have serviced the vehicle prior to the accident;

An accident results in injuries to the driver and / or passenger of either vehicle or a pedestrian requiring transportation to a medical treatment facility;

One or more vehicles incurs disabling damage that requires towing from the site and/or the employee receives a citation under State or local law for a moving traffic violation arising from the accident; or

Single-vehicle accident occurs with property damage in excess of \$1,000 even if no citation was issued.

Following an accident, the safety-sensitive employees will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he / she undergoes a post-accident alcohol test. Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment terminated. Employees tested under this provision will include not only the operations personnel, but also any other safety-sensitive employees whose performance could have contributed to the accident.

Random Testing

Employees in safety-sensitive positions will be subjected to random, unannounced testing. The selection of safety-sensitive employees for random alcohol testing will be made using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made. The random tests will be unannounced, spread throughout the year and conducted in a manner compliant with applicable federal regulations.

Return-to-Duty Testing

All safety-sensitive employees who previously tested positive on a drug or alcohol test must test negative (below 0.02 for alcohol) and be evaluated and released to duty by the Substance Abuse Professional before returning to work.

Follow-up Testing

Safety-sensitive employees who have tested positive and have not been terminated as a result will be required to undergo frequent unannounced random urine and / or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year.

Testing and Waiting Time

All time spent on testing, including travel time to and from the medical facility, is paid time under regular pay status, including overtime, if applicable. Any employee ordered to submit to post-accident, reasonable cause, return-to-duty, unannounced random or physical examination testing who is not allowed to return to work until the test results have been reviewed and confirmed negative by the MRO or reviewed by the BAT will be compensated for all time lost during the waiting period, including overtime if applicable.

EMPLOYMENT ASSESSMENT

Any safety-sensitive employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR, Part 40, as amended, will be referred for evaluation by a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.

Assessment by a SAP or participation in the company's Employee Assistance Program does not shield an employee from disciplinary action or guarantee employment or reinstatement with the PMBS.

If a safety-sensitive employee is allowed to return-to-duty, he / she must continuously attend and successfully complete the rehabilitation and aftercare program prescribed by the SAP. The employee must have negative return-to-duty drug and alcohol tests, and be subject to unannounced follow-up tests for a period of one to five years. Dismissal from the rehabilitation program for failure to attend or remain drug or alcohol free during treatment will result in discipline up to and including termination. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees not terminated as a result of a positive test will be allowed to take accumulated sick leave, vacation leave, or medical leave of absence to participate in the prescribed rehabilitation program.

RE-ENTRY CONTRACTS

Employees who reenter the workforce must agree to a reentry contract. That contract may include, but is not limited to:

- A release-to-work statement from the Substance Abuse Professional.

- A negative test for drugs and / or alcohol.

- An agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.

A statement of expected work-related behaviors.

An agreement to follow specified aftercare requirements with the understanding that violation of the reentry contract is grounds for termination.

SYSTEM CONTACT

Any questions regarding this policy or any other aspect of the drug-free and alcohol-free transit program should contact the following transit system representative:

Program Manager:

Name: Gregory J. Ranney

Title: Director of Public Property

Address: 1130 Koch St., Pekin, IL 61554

Telephone Number: (309) 478-5447

FAX Number: (309) 347-8434

Medical Review Officer:

Name: IWIRC

Address: 736 S.W. Washington St., Suite 2A

Peoria, IL 61602

Telephone Number: (309) 497-0300

FAX Number: (309) 497-0922

RESOLUTION No. 139- 05/06

PEKIN, ILLINOIS, February 13, 2006

RESOLUTION BY COMMISSIONER

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS, THAT:

An Intergovernmental Agreement for Preliminary Feasibility Study of

~~Water Utility Acquisition, attached hereto and incorporated herein by this reference,~~

~~is hereby approved.~~



SIGNED BY

MAYOR.

**AN INTERGOVERNMENTAL AGREEMENT FOR
PRELIMINARY FEASIBILITY STUDY OF WATER UTILITY ACQUISITION**

THIS AGREEMENT entered into this ____ day of _____, 2006, by and between the CITY OF CHAMPAIGN, ILLINOIS ("Champaign"), the CITY OF URBANA, ILLINOIS ("Urbana"), the CITY OF PEKIN, ILLINOIS ("Pekin") and the BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS ("University").

WHEREAS, reliable and low cost water service is essential for the economic health of the community; and

WHEREAS Illinois American Water Company is no longer a locally-based company focused on the needs and goals of central Illinois; and is proposed for sale for the third time since 1999; and

WHEREAS, the parties desire to agree to share the costs of a study to preliminarily evaluate the feasibility of acquiring the Water Company's assets and other alternatives; and

WHEREAS, Section 10 of Article VII of the 1970 Illinois Constitution and "The Intergovernmental Cooperation Act" (5 ILCS 220/, et seq.) provides for intergovernmental cooperation.

NOW, THEREFORE, Champaign, Urbana, Pekin and the University agree as follows:

Section 1. Selection of a Consultant. Urbana shall be the Lead Agency on behalf of the parties and shall contract for services desirable or necessary, to facilitate the the exploration of the feasibility of the acquisition of the assets of the water company including, without limitation, financial, legal, engineering, project management, or governmental relations consultants. Such contract shall be entered into, as expeditiously as possible, however, no such contract shall be entered into except upon the consent of each party, as evidenced by the written approval of Urbana Chief Administrative Officer, Champaign City Manager, Pekin City Manager and the Associate Vice President, University Office for Facilities, Planning and Programs.

Section 2. Cost Sharing. Champaign, Urbana, Pekin, and the University agree to share all costs of a consultant selected pursuant to Section 1 at the rate of based on the following formula: Champaign 40%, and Urbana, Pekin and the University 20% each. The total cost of the preliminary feasibility study shall not exceed One hundred Thousand Dollars(\$100,000.00_).

If additional funds are required, each party will be contacted by Urbana with a proposed amendment to this Agreement, stating the required additional funds and each party will have an opportunity to continue with the project pursuant to the Agreement as amended. If a party chooses not to continue its participation due to the need for additional funds, such party may cease to participate by following the termination procedure in Section 5, but will be responsible for its proportionate share of costs to date.

Section 2A. Additional Parties. Other governmental entities may become parties to this agreement by requesting to do so if all other parties consent. Such consent shall be evidenced by the written approval of the parties' representatives set forth in section 1. The consent may be evidenced electronically. Such additional party shall contribute financially to these undertakings in a proportionate amount appropriate relative to the other parties' undertakings, as the persons consenting shall agree. The contribution shall be supplemental to the amounts already contributed by the parties and permit increased efforts as agreed to by the parties.

Section 3. Payment. Payment for consultant services rendered under this Agreement, shall be due to Urbana within 45 days following receipt by each of the participants of an itemized statement of the services performed. Such statement shall describe the services rendered.

Section 4. Coordination of Work. Urbana shall provide one (1) copy of each unit of work received from the consultant to each party. If a party chooses to terminate their

participation, such party will be entitled to a copy of the consultant's work product up to the effective date of that party's termination so long as that party has paid its share of the costs.

Section 5. Completion and Termination

(a) This Agreement will continue in full force and effect until completion of the work unless it is terminated at an earlier date by any party as outlined below;

(b) Any signatory to this Agreement may terminate this Agreement by giving no less than fourteen (14) days' written notice of the intent to terminate this Agreement. Notice shall be considered given when deposited in the United States mail, postage prepaid, and addressed as provided in Section 6 below;

(c) In the event of termination of this Agreement by any participant prior to completion and final payment by that participant, the participant will pay Urbana participant's share of the costs for all services performed up to that party's total proportionate share of the project costs which were actually and satisfactorily rendered up to date of termination.

Section 6. Notice. Notice given hereunder shall be given to:

Champaign at:

City Manager
City of Champaign
102 North Neil Street
Champaign, IL 61820

City Attorney
City of Champaign
102 North Neil Street
Champaign, IL 61820

Urbana at:

Chief Administrative Officer
City of Urbana
400 South Vine Street
Urbana, IL 61801

City Attorney
City of Urbana
400 South Vine Street
Urbana, IL 61801

University at:

Lyle Wachtel
Associate Vice President
University of Illinois Office for Facilities,
Planning & Programs
807 South Wright Street, Suite 340
Champaign, IL 61820

University Legal Counsel
506 South Wright Street
258 HAB
Urbana, IL 61801

Pekin at:

City Manager
City of Pekin
111 South Capital Street
Pekin, Illinois 61554

IN WITNESS WHEREOF, Champaign, Urbana, Pekin, and the University have executed this Agreement.

CITY OF CHAMPAIGN, ILLINOIS

By _____
City Manager
DATE _____

APPROVED AS TO FORM:

City Attorney

UNIVERSITY OF ILLINOIS

By _____

Stephen K. Rugg, Comptroller

By _____

Michele M. Thompson, Secretary

DATE _____

APPROVED AS TO FORM:

University Legal Counsel

CITY OF PEKIN

By _____
City Manager

APPROVED AS TO FORM

By _____
City Attorney

CITY OF URBANA, ILLINOIS

By _____
Chief Administrative Officer
DATE _____

APPROVED AS TO FORM:

City Attorney

