

ORDINANCES 1998

98-1 An ordinance to Add Territory to the Jackson County Enterprise Zone (The Island).

98-2 An ordinance for the establishment of an altered speed zone on Wood Road (Old Il.Rt. 13)

SKIPPED NUMBERS 98-3 through 98-9

98-10 Amendment to Ordinance 91-4 (Pollution Control Facility)

98-11 An Ordinance for the Establishment of an Altered Speed Zone of 45 mph on New Era Road being at Striegel Rd - Airport Rd.

ORDINANCE NO. 98-1

AN ORDINANCE TO ADD TERRITORY
TO THE JACKSON COUNTY ENTERPRISE ZONE
(JACKSON COUNTY)

WHEREAS, the Jackson County Board established an Enterprise Zone through Ordinance No. 90-2, pursuant to authority granted it by the Illinois Enterprise Zone Act (The "Act"; P.A. 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Community Affairs, and subject to provisions of the Act; and

WHEREAS, an Intergovernmental Agreement was entered into between the County of Jackson, Illinois (hereinafter "County") and the Cities of Carbondale and Murphysboro (hereinafter collectively "Cities"), through which the governments designated certain areas, and any areas subsequently certified from time to time, as an Enterprise Zone pursuant to and in accordance with the Act, subject to certification of the State as in the Act provided, and known as the Jackson County Enterprise Zone; and

WHEREAS, the Jackson County Carbondale-Murphysboro Enterprise Zone was approved by the Illinois Department of Commerce and Community Affairs, effective March 1, 1990; and

WHEREAS, a request has been made to expand the current Enterprise Zone area through the addition of a certain parcel of property, pursuant to authority of the Act, and subject to approval by the Illinois Department of Commerce and Community Affairs, and subject to provisions of the Act; and

WHEREAS, the designating units of government through their designated zone administrator, and pursuant to statute, conducted at least one public hearing within the Enterprise Zone area.

NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD OF JACKSON COUNTY, ILLINOIS, AS FOLLOWS:

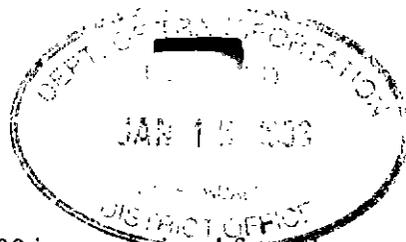
SECTION 1. That Section III of Ordinance 90-2, the Ordinance Establishing an Enterprise Zone for Jackson County, Illinois, is hereby amended by adding Exhibits A-13 and B-13 (which exhibits are attached to this ordinance and made a part thereof) to the list of Exhibits within said Section III.

SECTION 2. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 3. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION 4. That it is the intention of the Jackson County Board that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 5. That the Jackson County Board finds that the subject matter of this Ordinance pertains to the government and affairs of the Jackson County and is passed pursuant to authorities granted it by State statute and the Illinois Constitution.



County Maintenance Resolution

RESOLVED, by the County Board of Jackson County, that \$122,500.00 is appropriated from the Motor Fuel Tax allotment for the maintenance of the following sections located on County highways and meeting the requirements of the Illinois Highway Code.

<u>Section</u>	<u>Amount</u>
98-00000-00-GM	\$122,500.000

and be it further RESOLVED, that the above designated sections be maintained under the provisions of said Illinois Highway Code during the year ending December 31, 1998, **and be it further**

RESOLVED, that the County Engineer of Highways shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in funds authorized for expenditure by said Department under this appropriation, **and be it further**

RESOLVED, that the County Clerk is hereby directed to transmit two certified copies of this Resolution to the District Office of the Department of Transportation.

APPROVED

1-15, 1998

Department of Transportation

[Signature]
District Engineer *AS*

STATE OF ILLINOIS

ss

Jackson County,

I, Irene J. Carlton, County Clerk, in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a Resolution adopted by the County Board of Jackson County at its regular meeting held at Murphysboro, on January 7th, 1998.

SEAL

[Signature]
Irene J. Carlton, County Clerk

LEGAL DESCRIPTION

STRIP LINKING THE COMMERCIAL AREA LOCALLY KNOWN AS "THE ISLAND" TO THE ENTERPRISE ZONE

General Description: A strip within the Enterprise Zone Section 21, Township 9 South, Range 1 West of the Third Principal Meridian, County of Jackson, State of Illinois.

Detailed Description: Commencing at the intersection of the northeast Right of Way (ROW) line of University Diagonal and the north ROW line of Mill Street;

thence west along the north ROW line of Mill Street to its intersection with the southwest ROW line of University Diagonal, this being the end of the description for the extension, and the point of beginning for the following description of property to be added to the Enterprise Zone.

ADDITION OF THE COMMERCIAL AREA LOCALLY KNOWN AS "THE ISLAND"

General Description: Part of Section 21, Township 9 South, Range 1 West of the Third Principal Meridian, County of Jackson, State of Illinois.

Detailed Description: Commencing at the intersection of the north ROW line of Mill Street with the southwest ROW line of University Diagonal, this being the point of beginning;

thence northwesterly along the southwest ROW line of University Diagonal, to its intersection with the east ROW line of University Avenue;

thence south along the east ROW line of University Avenue to its intersection with the North ROW line of Mill Street;

thence east along the north ROW line of Mill Street to its intersection with the southwest ROW line of University Diagonal, this being the point of beginning of this description.

SECTION 6. That this Ordinance shall be known as Ordinance No. 98-1 of the Jackson County, Illinois, and shall be in full force and effect from and after its passage, approval, and recording, and after the Illinois Department of Commerce and Community Affairs has approved the application for amendment to the Enterprise Zone in the Jackson County, Illinois.

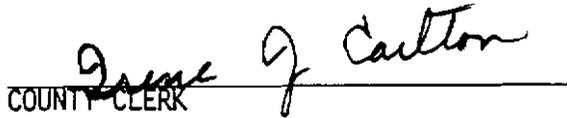
PASSED this 11 day of March, 1998.

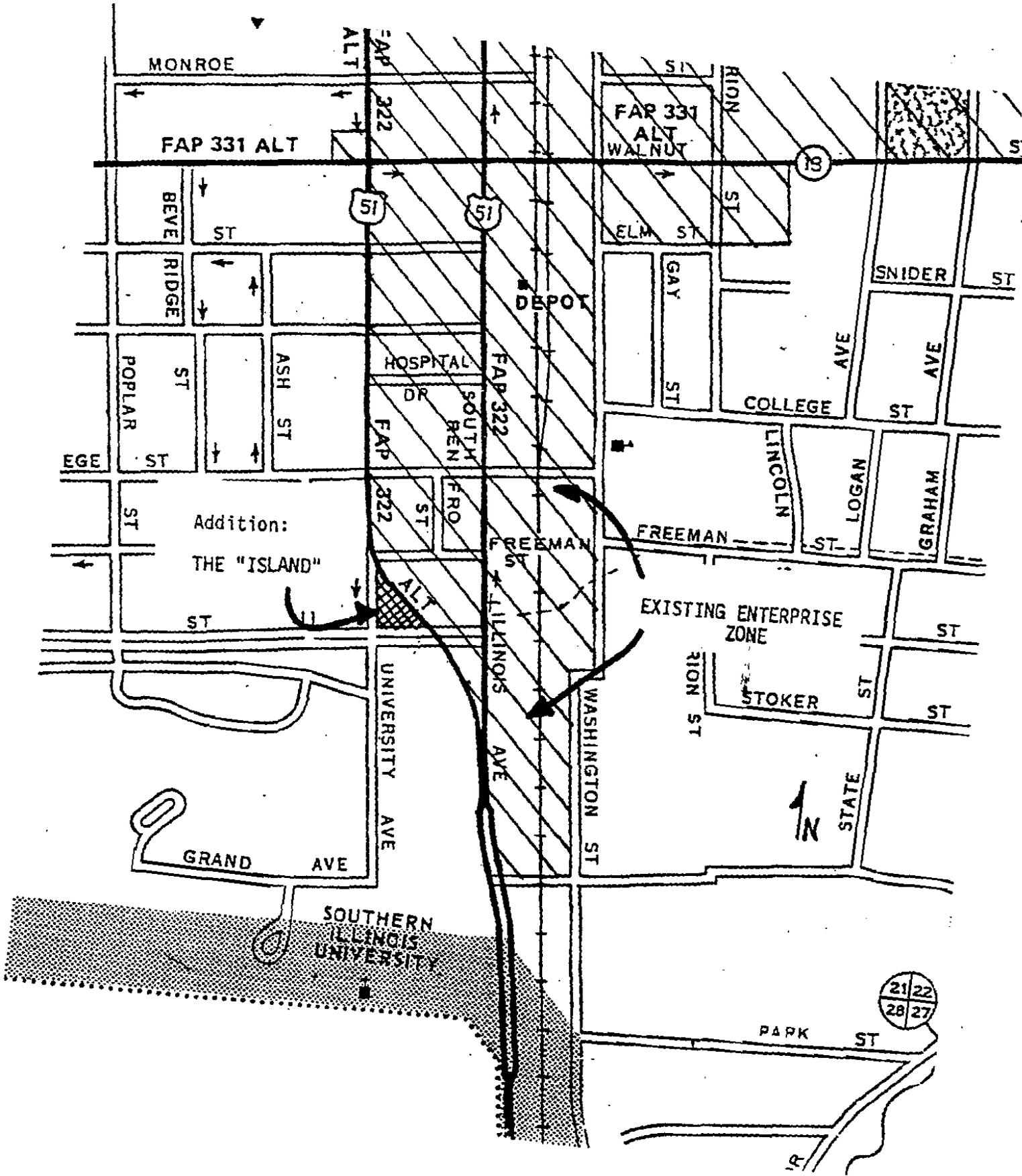
APPROVED this 11 day of March, 1998.

JACKSON COUNTY BOARD


COUNTY BOARD CHAIRMAN

ATTESTED:


COUNTY CLERK



ORDINANCE 98 - 10

AMENDMENT OF ORDINANCE CONCERNING APPLICATION FOR
POLLUTION CONTROL FACILITY

WHEREAS, the County of Jackson adopted ordinance number 91-4 on June 12, 1991, pertaining to the application for siting of a pollution control facility; and

WHEREAS, the County of Jackson desires to amend that ordinance and clarify its meaning; and

WHEREAS, Section 11 of that ordinance refers to 'new landfill'.

WHEREAS, The term 'new landfill' should be replaced with "pollution control facility".

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED AS FOLLOWS:

1. The term 'new landfill' found in Section 11 of Ordinance 91-4 shall be replaced with the term 'pollution control facility'.

2. Consistent with this change, a sentence shall be added within Section 11 defining the meaning of 'pollution control facility'. Such term shall mean the same as found in the Illinois Environmental Protection Act, 415 ILCS 5/1 *et. seq.*, including any future amendments to the Act which would change the meaning of the term "pollution control facility".

3. The present amending ordinance is intended merely to amend Ordinance 91-4 and not in any way repeal or rescind it - and such changes made by the present ordinance are intended to be incorporated within Ordinance 91-4 as if originally set forth in it.

4. The amended version of Ordinance 91-4 is attached to this amending ordinance and the County of Jackson hereby adopts the attached ordinance as amended.

5. The changes made by this amending ordinance shall be effective upon approval and adoption of the Jackson County Board.

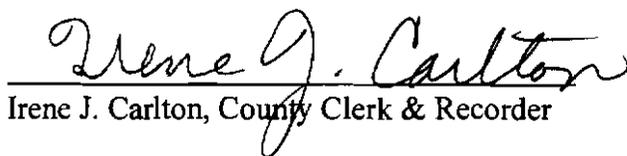
APPROVED and ADOPTED this 11th day of November 1998 by the Jackson County Board at its regular monthly meeting.

By its Chairman,



William W. Alstat

ATTEST:


Irene J. Carlton, County Clerk & Recorder

SEAL

**ORDINANCE CONCERNING APPLICATION
FOR A REGIONAL POLLUTION CONTROL FACILITY**

NOW THEREFORE, BE IT ORDAINED by the Jackson County Board as follows:

SECTION 1. AUTHORITY. Pursuant to the provisions of the Environmental Protection Act, 415 ILCS 5/1 *et. seq.*, the County of Jackson shall require applicants for a Regional Pollution Control Facility or applicants for site approval to modify the development of an existing facility to comply with the rules and regulations set forth hereinafter.

SECTION 2. APPLICATION. An application for a Regional Pollution Control Facility or an application to modify the development of an existing facility shall consist of an Application Package including a Petition and other attachments as set forth in the paragraphs herein below and shall be filed in the Office of the Jackson County Clerk. A minimum of twelve (12) complete copies of the Application Package shall be filed simultaneously. A copy of the Application Package shall be maintained for public inspection at the Office of the Jackson County Clerk and copies may be obtained upon the payment of the actual cost of reproduction to the Jackson County Clerk.

SECTION 3. PETITION. Each application shall be supported by a written petition which sets forth the following:

- A. The identification of the applicant and owner, and if the proposed site is owned in trust, the beneficiaries;
- B. If the applicant is a private corporation, the names and ownership interest of the shareholders and the officers;
- C. The legal description of the proposed site;
- D. A description of the proposed facility, its operation and the expected longevity thereof;
- E. The geographic area to be served by the proposed facility and a statement of the needs of such geographic area of such a facility;
- F. A list of the existing Regional Pollution Control facilities within the area proposed to be served and, with respect to each facility, the following information shall be provided; location, size, owner, and/or operator, type of pollution control facility, remaining capacity, probable life of the facility, and the types of waste it receives;
- G. The expected types, amounts and methods of treatment or storage of all wastes proposed for the site and the origin of these wastes;
- H. A description of the geologic and hydrogeologic character of the site including core samples and background analysis for ground water, surface water and air;
- I. Reasons supporting approval of the application;
- J. A prayer for site approval.

SECTION 4. SITE PLAN. Each application Package shall include a site plan containing details of the proposed facility, including but not limited to:

- A. Cross sections;
- B. Existing wells within 500 feet of the site;
- C. All monitoring wells;
- D. Fences, buildings, and other structures;
- E. Roads, entrances and driveways;
- F. Core sample locations on and within 200 feet of the site.

SECTION 5. PROPOSED OPERATION PROCEDURE. Each Application Package shall include a statement of the plan of operation for the proposed facility, including but not limited to the following:

- A. Method of landfilling, incineration, resource recovery or other process;
- B. Hours of operation;
- C. Personnel;
- D. Litter, vector, dust and odor control;
- E. Surface drainage and erosion control;
- F. Fire control;
- G. Corrective actions for spills and other operational accidents and emergency response capability;
- H. If applicable, the stages of development or use;
- I. An end use plan;

SECTION 6. TOPICAL SURVEY. Each Application Package shall contain detailed topographic survey of the proposed site and the surrounding area within 500 feet which indicates land use and, if applicable, the boundary of the 100 year flood plane as determined by the Illinois Department of Transportation.

SECTION 7. TRAFFIC PLANS. Each Application Package shall include a statement or report of traffic information regarding the proposed site including the anticipated number of vehicles and their size, weight, direction of movement.

SECTION 8. REQUEST FOR PERMIT. Each Application Package shall contain the request for a permit made to the Illinois Environmental Protection Agency, if any such request has been made by the applicant.

SECTION 9. MISCELLANEOUS. Each Application Package shall contain all studies, maps, reports, permits, or exhibits which the applicant desires the County Board to consider in deliberating on site approval.

SECTION 10 INSURANCE. Each Application Package shall include a description of the insurance policies carried by the applicant, single accidents, such as fires or explosions, and non-sudden accidental occurrences.

SECTION 11. FILING FEE. Each application for a pollution control facility site which includes disposal and storage of hazardous material shall include a \$250,000.00 application fee and each application for a pollution control facility site which includes disposal and storage of non-hazardous material shall include a \$130,000.00 application fee, said fees to cover the reasonable and necessary costs, including but not limited to: notice costs, court reporter costs, transcription costs, and other expenses incurred by the County of Jackson in conducting the review of the request for site approval, the subsequent public hearing, and the site approval decision. Each application for a permit modification or expansion of an existing site shall include a \$25,000.00 application fee for the reasonable and necessary costs as set forth hereinabove. Any portion of the application fee that remains unexpended at the conclusion of the hearing process shall be returned to the applicant. Should there be any additional costs incurred by the County in excess of the application fee the applicant shall bear any and all additional costs. For purposes of this Ordinance 'pollution control facility' shall have the same meaning as defined in the Illinois Environmental Protection Act which may be amended from time to time.

SECTION 12. No application for site approval shall be deemed to have been filed or accepted for filing unless all of the requirements of this Ordinance have been met and the Jackson County Clerk shall not give a receipt for other indication of filing until such time as it is determined that the application complies with the requirements of this Ordinance.

SECTION 13 EFFECTIVE DATE. This Ordinance shall take affect upon its passage by the Jackson County Board and publication by the Jackson County Clerk. This Ordinance is deemed effective for any application for site approval to the Jackson County Board that has not been acted upon for approval or disapproval by the Jackson County Board at the time of passage hereof and the Jackson County Board specifically reserves the right to waive any of the requirements hereunder.

Initial Adoption June 12, 1991 - Ordinance 91-4
Amended November 11, 1998 - Ordinance 98-10

98-2

**AN ORDINANCE FOR THE ESTABLISHMENT
OF AN ALTERED SPEED ZONE**

IT IS HEREBY DECLARED by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-601 of the Illinois Vehicle Code are greater than that considered reasonable and proper on the highway listed below for which Carbondale & Murphysboro Township have maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

BE IT FURTHER DECLARED that this Board has caused to be made an engineering and traffic investigation upon highway listed below; and,

BE IT FURTHER DECLARED that by virtue of Section 11-604 of the above Code: this Board determines and declares that reasonable and proper absolute maximum speed limit upon a portion of TR278 (Wood Road) as listed below shall be 40 m.p.h.

A 40 miles per hour speed limit beginning at Old Il Rt 13 and extending northerly and ending at Il Rt 13 for a total distance of 1.5 miles.

BE IT FURTHER DECLARED that, signs giving notice thereof shall be erected in conformance with the standards and specifications contained in the Illinois Manual of Uniform Traffic Control Devices for Streets and Highways.

BE IT FURTHER DECLARED that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limits.

I, Irene Carlton, County Clerk in and for Jackson County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of an ordinance adopted by the Board of Jackson County at its regular meeting held at Murphysboro on 7/8, 1998.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this 8 day of July, 1998.


Irene Carlton, County Clerk

SEAL

98-11

**AN ORDINANCE FOR THE ESTABLISHMENT
OF AN ALTERED SPEED ZONE**

IT IS HEREBY DECLARED by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-601 of the Illinois Vehicle Code are greater than that considered reasonable and proper on the highway listed below for which City of Carbondale & Carbondale Township have maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

BE IT FURTHER DECLARED that this Board has caused to be made an engineering and traffic investigation upon highway listed below; and,

BE IT FURTHER DECLARED that by virtue of Section 11-604 of the above Code: this Board determines and declares that reasonable and proper absolute maximum speed limit upon a portion of New Era Road as listed below shall be 45m.p.h.

A 45 miles per hour speed limit beginning on New Era Road at Striegel Road and extending northerly and ending at Airport Road for a total distance of 2 miles.

BE IT FURTHER DECLARED that, signs giving notice thereof shall be erected in conformance with the standards and specifications contained in the Illinois Manual of Uniform Traffic Control Devices for Streets and Highways.

BE IT FURTHER DECLARED that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limits.

Larry W. Reinhardt
I, ~~_____~~, County Clerk in and for Jackson County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of an ordinance adopted by the Board of Jackson County at its regular meeting held at Murphysboro on 12/9, 1998.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this ___ day of ___
___, 1998.


County Clerk

S E A L