

**CITY OF O’FALLON, ILLINOIS**  
**ORDINANCE NO. \_\_\_\_\_**

Formatted: Font: 12 pt

**AN ORDINANCE RESCINDING  
ORDINANCE NO. 3155 AND  
AMENDING THE CODE OF  
ORDINANCES OF THE CITY  
OF O’FALLON, ILLINOIS,  
SECTION 98.11, OF CHAPTER  
98, STREETS AND SIDWALKS**

**WHEREAS**, Chapter 98.11, Streets and Sidewalks, presently prohibits certain actions and conduct determined to be nuisances; and

**WHEREAS**, pursuant to Ordinance No. 3155 and on the 3<sup>rd</sup> day of February, 2003, Section 98.11 of Chapter 98 of the Code of Ordinances was amended; and

**WHEREAS**, Ordinance No. 3155 does not completely and clearly address circumstances and situations whereby water from roof and subsurface drains drain onto adjoining premises or the sidewalks and streets of the City or into underground public storm sewers of the City; and

**WHEREAS**, it is in the interest of public health, safety and welfare that Ordinance No.3155 be rescinded in its entirety and replaced with the following.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

Ordinance No. 3155 is rescinded in its entirety and placed with the following;

Section 98.11 of Chapter 98 of the Code of Ordinances of the City of O’Fallon is hereby amended to read as follows:

A. Roof Drains. No person or entity owning, constructing or occupying any building shall cause pipes or drains conducting water from the roof of the building to be so constructed as to discharge water from gutters, pipes, or other structures within ten feet of any public sidewalk, causing runoff to be concentrated over that public sidewalk.

B. Subsurface Drains. No person or entity shall discharge any water or other fluids originating from sumps, sump pits, sump pumps or other pumps, or any reservoir serving as a water drain or receptacle for water, from pipes or other structures to an area within ten (10) feet of the property line or beyond or within ten (10) feet of any public sidewalk, street, street curb or street gutter, unless conveyed by a naturally occurring

Deleted: construct a building, facility or infrastructure which shall

swale or a drainage swale approved by the City's Engineering Department or unless the method of drainage is otherwise approved by the City's Engineering Department taking into consideration the elevation, slope and topography of the premises and adjoining premises.

**Deleted:** causing runoff to be concentrated over or into that public sidewalk, street, street curb or street gutter.

C. The water as described in sections A and B herein, shall not be piped underground into available underground public storm water conveyances, unless prior written approval from the City is obtained. The property owner shall bear all costs and shall accept all risks for such underground connection to the public storm water conveyance. Approval from the City shall be contingent upon the property owner indemnifying the City for any cost or risk associated with such connection.

D. No person shall discharge any water or other fluids originated from sumps, sump pits, other pumps, or other mechanical means, any reservoir serving as a water drain or receptacle for water, from pipes or other structures, swimming pools or their drains or from roof gutter drains into or onto any adjoining property in such a manner as to create a nuisance as described below:

- a. Ponding or stagnating of water
- b. Causing soil erosion
- c. Creating conditions that would deny adjoining property owners reasonable use of their property.
- d. Accumulation of water that freezes, creates mildew/mold or produces offensive odors.

**Formatted:** Indent: Left: 1.5", First line: 0"

This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

**Formatted:** Font: 12 pt

