

LAKE HARRISBURG

Sec. 9-1. Dedication.

(a) There is hereby set aside, designated, and dedicated to the citizens of the City of Harrisburg certain property on Lake Harrisburg owned by the city for park and recreational purposes, the following described real estate:

All that part of the northeast quarter (NE1/4) of the southwest quarter (SW1/4), and all that part of the northwest quarter (NW1/4) of the southeast quarter (SE1/4), and all that part of the southwest quarter (SW1/4) of the northeast quarter (NE1/4), and the south twenty (20) acres of the northwest quarter (NW1/4) of the northeast quarter (NE1/4), all in section seven (7), township eight (8) south, range six (6) east of the third principal meridian, in Saline County, Illinois, which is owned by the said City of Harrisburg, and not within the high water line of the said Lake Harrisburg.

(b) There is hereby set aside, designated, and dedicated to the citizens of the City of Harrisburg certain property on the North and South Side Channel Reservoirs owned by the city for park and recreational purposes, and that property shall be known as the City of Harrisburg Twin Lakes Reservoir, the following described real estate:

Commencing at the northeast corner of the northwest one-quarter (NW 1/4) of the northwest one-quarter (NW 1/4) of Section 10; thence southerly along the east line of the said quarter-quarter, a distance of approximately eight hundred (800) feet to the southeast toe of the existing flood protection levee; thence northeasterly along the said southeast toe, a distance of three thousand (3,000) feet to the existing concrete flood protection wall, approximately nine hundred (900) feet to the inside top of the berm of the existing side channel reservoirs; thence southwesterly along said inside top of berm, a distance of approximately twenty five hundred (2,500) feet; thence westerly along said top of berm, a distance of approximately seventeen hundred (1,700) feet to the east line of said northwest one-quarter (NW 1/4) of the northwest one-quarter (NW 1/4) of section 10; thence northerly along said east line to the point of beginning.

Sec. 9-2. Lots and blocks laid out.

There is hereby laid out certain lots and blocks around Lake Harrisburg, County of Saline, and State of Illinois, to be known as First Addition to Lake Harrisburg For Cabin Sites, said first addition to be located in block number 1, consisting of lots one to twenty-one (21), both inclusive;

block number 2, consisting of lots one to nineteen (19), both inclusive; block number 3, consisting of lots one to eleven (11), both inclusive; said block number 1 being located in the north one-half (N1/2) of the northwest quarter (NW 1/4) of the northeast quarter (NE1/4), section seven (7), township eight (8) south, range six (6) east of the third principal meridian and in the southwest quarter (SW1/4) of the southeast quarter (SE1/4) of section six (6), township eight (8) south, range six (6) east of the third principal meridian; block number two (2) being located in the northwest quarter (NW1/4) of the southeast quarter (SE1/4) of section six (6), township eight (8) south, range six (6) east of the third principal meridian; block number 3 being located in the east one-half (E1/2) of the southeast quarter (SE1/4) of the southwest quarter (SW1/4) of section six (6), township eight (8) south, range six (6) east of the third principal meridian, in Saline County, Illinois.

Each of said lots and blocks is laid out according to a certain plat marked and designated First Addition To Lake Harrisburg For Cabin Sites, prepared by the city engineer and now on file in the office of the city clerk.

Sec. 9-2.1. Southeast addition; cabin sites.

(a) There is hereby laid out a certain addition for cabin sites known as the Lake Harrisburg Southeast Addition consisting of Lots 1 to 7, both inclusive, said addition be located within a part of the west quarter (W1/4) of the southwest quarter (SW1/4) of the northeast quarter (NE1/4) of Section Seven (7) and a part of the southeast quarter (SE1/4) of the northwest quarter (NW1/4) of Section Seven (7), Township Eight (8) South, Range Five (5) East of the Third Principal Meridian, Saline County, Illinois.

(b) Lots described paragraph (a) of this section may be leased only by citizens of the City of Harrisburg, Saline County, Illinois, except that Lot 6 within said Lake Harrisburg Southeast Addition is reserved without rental for Kerr-McGee Coal Company and consideration for the exception of said Lot 6 is that Kerr-McGee has provided without cost to the City of Harrisburg a permanent easement over and across property adjoining the Lake Harrisburg Southeast Addition for purposes of constructing a road for access to said property. The exception as to Lot 6 as herein set forth shall continue so long as the Kerr-McGee mine continues to exist on property adjacent to Lake Harrisburg property.

(c) The cost of said lease per lot shall be commensurate with and in accordance with other ordinances of the City of Harrisburg as previously passed.

(d) The other ordinances of the city set out in this chapter shall apply to the Lake Harrisburg Southeast Addition and to the persons leasing such lots.

Sec. 9-2.2. Fourth Addition to Lake Harrisburg; cabin sites.

(a) There is hereby laid out a certain addition for cabin sites known as the Fourth Addition to Lake Harrisburg consisting of Lots I to 27, both inclusive, said addition being located within a part

of the northwest quarter (NW1/4) of the southeast quarter (SE1/4) of Section Six (6), Township Eight (8) South, Range six (6) East of the Third Principal Meridian, Saline County, Illinois.

Each of said lots and blocks is laid out according to a certain plat marked and designated Fourth Addition To Lake Harrisburg For Cabin Sites, prepared by the city engineer and now on file in the office of the city clerk.

(b) The City shall retain an easement for all existing driveways within the Fourth Addition To Lake Harrisburg.

All such easements for existing driveways, shall be incorporated into the lease of any lot in the Fourth Addition To Lake Harrisburg which has such driveway within its boundaries. Each of said existing driveways is laid out according to a certain plat marked and designated Fourth Addition To Lake Harrisburg For Cabin Sites, prepared by the city engineer and now on file in the office of the city clerk.

(c) The other ordinances of the city set out in this chapter shall apply to the Fourth Addition to Lake Harrisburg and to the persons leasing such lots.

Sec. 9-3. Leases _generally.

The lots described in this Chapter may be leased by any applicant

Sec. 9-4. Lease; term.

The term of a lease of property owned by the city and located around Lake Harrisburg shall be no greater than or lesser than thirty-six (36) months. Any lease executed between the City of Harrisburg and any lessee after October 2, 1984, shall not be automatically renewable. Renewal of said lease shall be in the sole discretion of the city council. (Ord. No. 610, § 6, 3-26-55; Ord. No. 993. § 1, 10-2-84; Ord No. 1301, § 2, 9-18-96)

Sec.9-5.Reserved

Sec. 9-6. Subleases.

No lease given by the city for any lot around Lake Harrisburg shall be subleased without the consent of the council.

Sec. 9-7. Payment of rental fee; amount; assignment.

(a) The increased yearly lease payment shall apply immediately to all new leases and to existing leases at the time of renewal.

(b) Failure on the part of any lessee to pay said sum within seven (7) days following the receipt of the written notice from the city clerk that the lessee is delinquent in the payment of the said lease fee shall cause the lease to automatically terminate.

Sec. 9-8. Surrender of lease.

If any lessee desires to surrender a lease of city property located around Lake Harrisburg and there is another person willing to assume it, then the city shall accept a surrender of the lease and may then lease the property to such other person for whatever lease fee is in effect at the same time of the release and for the same length of time as is left on the original lease.

Sec. 9-9. Buildings, Improvements, and Alterations.,

No lessee of City property which is located around Lake Harrisburg shall build, construct or erect permanent structures on City property. Any permanent structures currently in existence on City property at the time of passage of this ordinance are grandfathered in and are allowed to remain on said property. Any lessee with a permanent structure currently in existence has the duty to keep and maintain said structure in compliance with all City codes. Any modifications, alterations, or improvements shall follow the procedure outlined below.

No lessee of City property shall cause there to be any modifications, alterations or improvements to the property without first submitting a site plan to and receiving the approval of the Superintendent of Public Property. The Superintendent of Public Property and the Commissioner of Public Property will make the determination in a timely fashion as to the approval for the current lease holder to proceed with any modifications, alterations or improvements.

No lessee of City property shall live at Lake Harrisburg as a primary place of abode. Access will be provided to lake lots on a seasonal basis only.

Any lessee with a permanent structure currently in existence on City property shall not have the right to assign their lease and sell the permanent structure without the prior approval of City Council, which approval shall not be unreasonably withheld. Following the approval by the City Council of the prospective lessee, the original lessee may then sell the building(s) or improvements to the prospective lessee. The determination of the reassignment shall be at the sole discretion of the City Council.

Section 9-9.1. Payment of rental fee; amount; assignment, of the Harrisburg Municipal Code:

(a) The cost of a lease of a lot owned by the City located around Lake Harrisburg shall be as follows:

(1) For an empty lot or a lot with a camper or portable building, the fee shall be Six Hundred Dollars (\$600.00) per year;

(2) For a lot with a mobile home or similar structure, the fee shall be Eight Hundred Dollars (\$800.00) per year;

(3) For a lot with a permanent structure on it, the fee shall be One Thousand Dollars (\$1,000.00) per year.

(4) The Superintendent for Public Property shall make the determination of the type and classification of the structure, if any, that is on the property.

(5) Harrisburg residents shall receive a One Hundred Dollar (\$100.00) discount on the above fees.

Section 9-9.2 Payment of rental fee; amount; assignment, of the Harrisburg Municipal Code:

(d) No applicant for lease of a Lake Harrisburg lot will be granted said lease or renewal of said lease without proof of payment of all real estate taxes for all prior years on the Lake Harrisburg lot leased, and until such time as all outstanding financial obligations owed by the proposed tenant to the City, including but not limited to liens, water bills, fees, assessments, taxes, fines, or other monetary obligations have been paid in full. In addition, applicant lessee shall be required to pay a \$500.00 security deposit with the City. The security deposit may be applied to any unpaid taxes, to any unpaid rent, or to any unpaid monetary obligation owed to the City regardless of whether it resulted from this lease agreement, or to any damage or for any clean-up to the premises. This section applies to all leases executed after passage of this provision. The security deposit, if any, will be refunded within 30 days of termination of said lease.

Sec.9-10. Open toilets prohibited.

It shall be unlawful to take or place any open toilet on any property around Lake Harrisburg which is leased from the city.

Cross reference-Sewers and sewage disposal, § 21-126 et seq.

Sec. 9-11. Water skiing prohibited.

It shall be unlawful to water ski on Lake Harrisburg or the North and South Side Channel Reservoirs.

State law reference- Power to regulate harbor for recreational facilities, 65 ILCS 5/11-92-3

Sec. 9-12. Certain kinds of engines or motors prohibited.

It shall be unlawful to operate any engine or motor greater than ten (10) horsepower on any boat on Lake Harrisburg or the North and South Side Channel Reservoirs

State law references -Power of city to regulate boats, 65 ILCS 5/ 11-44-3; power to regulate harbors for recreational facilities, 65 ILCS 5/11-92-3.

Sec. 9-13. Firearms prohibited.

It shall be unlawful to take or place firearms of any kind or character on any property located around Lake Harrisburg which is leased from the city.

Sec. 9-14. Sanitation.

All lots and premises located around Lake Harrisburg and leased from the city shall be kept free of all garbage and rubbish of every kind and character and shall be kept in a sanitary condition subject to inspection and approval of the commissioner of public property . Likewise, all lessees shall cause all necessary repairs of *any* structures on the property to be done to keep the property in a safe and sanitary condition. Any complaints should be filed with the public property commissioner and should he deem it appropriate, then a due process hearing will be held pursuant to notice to determine if the lease should be voided. Failure on the part of the lessee to keep the premises in an appropriate condition shall cause the lease to terminate. In the event the lessee shall become delinquent in the payment of any rents, taxes, or other assessments, the city may, at its option, after fifteen (15) days, written notice to lessee, declare said lease terminated and take possession of and sell any personality placed upon the premises by the lessee

Cross Reference-Accumulations of garbage and trash, § 8-16 et seq.

State law reference -power of city to promote health, 65 JLCS 5/11-20-5.

Sec. 9-15. Pollution.

It shall be unlawful to pollute Lake Harrisburg or the North and South Side Channel Reservoirs.

Sec. 9-16. Swimming prohibited; penalty for violation.

(a) It shall be unlawful to swim in Lake Harrisburg or any other city owned or maintained water reservoir.

(b) The violation of this chapter shall constitute a misdemeanor, punishable by a fine up to one hundred dollars (\$100.00).

Sec. 9-17. Fishing restriction; penalty.

(a) It shall be unlawful to take any fish from Lake Harrisburg or the North and South Side Channel Reservoirs by any means other than pole and line.

(b) It shall be unlawful for any individual to fish with more than two (2) poles and lines.

(c) The provisions of 515 ILCS 51-1 et seq., as amended, where it provides for daily creel limits, is hereby adopted and made part of this Code, - with the same force and effect as though set forth herein.

(b) The violation of this chapter shall constitute a misdemeanor, punishable by a fine up to one hundred dollars (\$100.00).