

**CHAPTER 22**  
**STREET - SIDEWALKS AND TREES**

<b><u>ORDINANCE</u></b>		<b><u>DATE PASSED</u></b>
048	Excavation.	12.28.66
049	Prohibited Street Uses.	12.28.66
103	Amending Fees.	07.24.68
73-087	Street Lighting Standards.	12.05.73
74-014	Mailbox installation.	01.29.74
74-023	Driveways & openings onto public streets.	02.05.74
74-068	Water emergency limitations.	07.02.74
75-035	Amending certain section to conform to the New Chapter 30.	04.29.75
76-068	Repealing Ordinance 74-68.	06.29.76
76-069	Use of Sprinkling Devices.	06.29.76
82-042	Amending by repealing Chapter 22 in its entirety and enacting in lieu a new Chapter 22 - "STREETS, SIDEWALKS, EASEMENTS AND TREES"	08.10.82
90-011	Amending Penalties	01.23.90
96-001	Amending Standard Specifications	01.09.96
98-127	Enforcement of Streets, Sidewalks, etc.	10.13.98
02-128	Amending Facilities Located in the Public Way	10.08.02
03-023	Amending Chapters 17, 22, 24, 30 & 33	03.11.03
03-154	Amending Chapter 22 Re Depositing Materials on Roadways	11.18.03
04-142	Amending Chapters 17, 22, 24, 25, 30 & 33	11.23.04
06-084	Amending Article 1 Re Construction of Utility Facilities in the Public Rights-of-Way)	08.08.06
07-124	Amending Chapters 17, 22, 23, 24, 25, 30 & 33 Re Fees, Landscaping & Public Improvements	10.23.07
07-130	New Article 1 Re Construction of Utility Facilities in Public Rights-of-Way	11.20.07

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(Revised in it's entirety by Ordinance 07-130, 11.20.07)

**CHAPTER 22 -- STREETS, SIDEWALKS, EASEMENTS AND TREES**

**ARTICLE 1. CONSTRUCTION OF UTILITY FACILITIES  
IN THE PUBLIC RIGHTS-OF-WAY**

**Section 22-101: PURPOSE AND SCOPE.**

- (A) Purpose. The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.
- (B) Facilities Subject to This Article. This Article applies to all facilities on, over, above, along, upon, under, across, or within the public rights-of-way within the jurisdiction of the Village, except as may be otherwise provided in any applicable franchise, license or similar agreement.
- (C) Franchises, Licenses, or Similar Agreements. The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across., or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this Article.
- (D) Effect of Franchises, Licenses, or Similar Agreements.
  - (1) Utilities Other Than Telecommunications Providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
  - (2) Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the during the term of such agreement and any lawful renewal or extension thereof.
- (E) Conflicts with Other Articles. This Article supersedes all policies, resolutions, ordinances, or parts thereof adopted prior

hereto that are in conflict herewith, to the extent of such conflict.

- (F) Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.
- (G) Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

**Section 22-102. DEFINITIONS.** For purposes of this Article, unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code §530.30, unless the context clearly requires otherwise.

- (A) AASHTO is the American Association of State Highway and Transportation Officials.
- (B) ANSI is the American National Standards Institute.
- (C) APPLICANT is a person applying for a permit under this Article.
- (D) ASTM is the American Society for Testing and Materials.
- (E) BACKFILL is the methods or materials for replacing excavated material in a trench or pit.
- (F) BORE or BORING is to excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.
- (G) CABLE OPERATOR is that term as defined in 47 U.S.C. 522(5).
- (H) CABLE SERVICE is that term as defined in 47 U.S.C. 522(6).
- (I) CABLE SYSTEM is that term as defined in 47 U.S.C. 522(7).
- (J) CARRIER PIPE is the pipe enclosing the liquid, gas or slurry to be transported.
- (K) CASING is a structural protective enclosure for transmittal devices such as carrier pipes, electrical conductors, and fiber optic devices.
- (L) CLEAR ZONE is the total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area shall consist of a shoulder, a recoverable slope, a

nonrecoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

- (M) COATING is protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.
- (N) CODE is the codified ordinances of the Village of Bolingbrook.
- (O) CONDUCTOR is wire carrying electrical current.
- (P) CONDUIT is a casing or encasement for wires or cables.
- (Q) CONSTRUCTION or CONSTRUCT is the installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.
- (R) COVER is the depth of earth or backfill over buried utility pipe or conductor.
- (S) CROSSING FACILITY is a facility that crosses one or more right-of-way lines of a right-of-way.
- (T) DIRECTOR OF PUBLIC WORKS is the Village Director of Public Works and Engineering or his or her designee.
- (U) DISRUPT THE RIGHT-OF-WAY is any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.
- (V) EMERGENCY is any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.
- (W) ENCASEMENT is provision of a protective casing.
- (X) EQUIPMENT is materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.
- (Y) EXCAVATION is the making of a hole or cavity by removing material or laying bare by digging.
- (Z) EXTRA HEAVY PIPE is pipe meeting ASTM standards for this pipe designation.
- (AA) FACILITY is all structures, devices, objects, and materials (including track and rails, wires., ducts, fiber optic cable, communications and video cables and wires, poles, conduits,

grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article, except those owned by the Village.

- (BB) FREESTANDING FACILITY is a ground-mounted facility that is not a crossing facility, an overhead facility or a parallel facility, such as an antenna, transformer, pump, equipment enclosure, cabinet, or meter station.
- (CC) FRONTAGE ROAD is a roadway providing access to land adjacent to the highway where it is precluded by control of access on highway.
- (DD) HAZARDOUS MATERIAL is any substance or material which, due to its quantity, form, concentration, location, or other characteristic, is determined by the Director of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or State law, statute or regulation.
- (EE) HIGHWAY CODE is the Illinois Highway Code, 605 ILCS 5/1-101 *et seq.*, as amended from time to time.
- (FF) HIGHWAY is a right-of-way used for vehicular traffic, including rural or urban roads or streets, whether classified as arterial, collector, minor or local. Highway includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.
- (GG) HOLDER is a person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.
- (HH) IDOT is the Illinois Department of Transportation.
- (II) ILCC is the Illinois Commerce Commission.
- (JJ) JACKING is pushing a pipe horizontally under a roadway by mechanical means with or without boring.
- (KK) JETTING is pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.
- (LL) JOINT USE is the use of pole lines, trenches or other facilities by two or more utilities.
- (MM) J.U.L.I.E. is the Joint Utility Locating Information for Excavators utility notification program.
- (NN) MAJOR INTERSECTION means the intersection of two or more arterial highways.

- (OO) OCCUPANCY is the presence of facilities on, over or under right-of-way.
- (PP) OVERHEAD FACILITY is a facility that is mounted on a pole.
- (QQ) PARALLEL FACILITY is a facility that is generally parallel or longitudinal to the centerline of a right-of-way.
- (RR) PARKWAY is any portion of the right-of-way not improved by street or sidewalk.
- (SS) PAVEMENT CUT is the removal of an area of pavement for access to facility or for the construction of a facility.
- (TT) PERMITTEE is that entity to which a permit has been issued pursuant to Sections 22-104 and 22-105 of this Article.
- (UU) PERSON or ENTITY is any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of court.
- (VV) PRACTICABLE is that which is performable, feasible or possible, rather than that which is simply convenient.
- (WW) PRESSURE is the internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).
- (XX) PETROLEUM PRODUCTS PIPELINES are pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.
- (YY) PROMPT is that which is done within a period of time specified by the Village. If no time period is specified, the period shall be 30 days.
- (ZZ) PUBLIC ENTITY is a legal entity that constitutes or is part of the government, whether at local, state or federal level.
- (AAA) RESTORATION is the repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility to its original condition.
- (BBB) RIGHT-OF-WAY is any street, alley, other land or waterway, dedicated or commonly used for utility purposes, including utility easements in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. Right-of-way shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures, and other structures or improvements, regardless of whether they are situated in the right-of-way.
- (CCC) ROADWAY is that part of the highway that includes the pavement and shoulders.

- (DDD) SALE OF TELECOMMUNICATIONS AT RETAIL is the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.
- (EEE) SECURITY FUND is that amount of security required pursuant to Section 22-110.
- (FFF) SHOULDER is a width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.
- (GGG) SOUND ENGINEERING JUDGMENT is a decision(s) consistent with generally accepted engineering principles, practices and experience.
- (HHH) TELECOMMUNICATIONS includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.
- (III) TELECOMMUNICATIONS PROVIDER is any person who installs, owns, operates or controls facilities in the public right-of-way used or designed to be used to transmit telecommunications in any form.
- (JJJ) TELECOMMUNICATIONS RETAILER means and includes every person engaged in making sales of telecommunications at retail as defined herein.

- (KKK) TRENCH is a relatively narrow open excavation for the installation of an underground facility.
- (LLL) UTILITY is any person or entity owning or operating any facility, as defined in this Article.
- (MMM) VENT is a pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.
- (NNN) VIDEO SERVICE is that term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).
- (OOO) VILLAGE is the Village of Bolingbrook.
- (PPP) VILLAGE STANDARDS is any codes, ordinances or regulations of the Village which are applicable to construction of utility facilities in Village rights-of-way.
- (QQQ) WATER LINES are pipelines carrying raw or potable water.
- (RRR) WET BORING is boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

**Section 22-103. ANNUAL REGISTRATION REQUIRED.** Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Director of Public Works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person and evidence of insurance as required in Section 22-108 of this Article, in the form of a certificate of insurance.

**Section 22-104. PERMIT REQUIRED; APPLICATIONS AND FEES.**

- (A) Permit Required. No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this Article), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the Director of Public Works and obtaining a permit from the Village therefor, except as otherwise provided in this Article. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.
- (B) Permit Application. All applications for permits pursuant to this Article shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may

designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as proprietary or confidential by clearly marking each page of such materials accordingly.

(C) Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
- (4) A description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, as determined by the Director of Public Works, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence that the utility has placed on file with the Village:
  - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the *Illinois Manual on Uniform Traffic Control Devices*, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
  - (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ILCC regulations for emergency contingency plans constitutes compliance with this Section unless the Village finds that additional information or assurances are needed;
- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;

- (7) Evidence of insurance as required in Section 22-108 of this Article;
  - (8) Evidence of posting of the security fund as required in Section 22-110 of this Article;
  - (9) Any request for a variance from one or more provisions of this Article (see, Section 22-121); and
  - (10) Such additional information as may be reasonably required by the Village.
- (D) Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of Subsection (C) of this Section, the permit application shall include the following items as applicable to the specific utility that is the subject of the permit application:
- (1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ILCC or other jurisdictional authority;
  - (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
  - (3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
  - (4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Metropolitan Water Reclamation District and other local or state entities with jurisdiction, have been satisfied; or
  - (5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
- (E) Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty (30) days after the change necessitating the amendment.
- (F) Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a fee in the

amount of \$100.00. No application fee is required to be paid by any telecommunications retailer that is paying to the Village the simplified municipal telecommunications tax or the optional state telecommunications infrastructure maintenance fee pursuant to the Telecommunications Municipal Infrastructure Maintenance Fee Act, or by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

**Section 22-105. ACTION ON PERMIT APPLICATIONS.**

- (A) Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Director of Public Works within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Director of Public Works shall reject such application in writing, stating the reasons therefor. If the Director of Public Works is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Director of Public Works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate to the satisfaction of the Director of Public Works that the construction proposed under the application shall be in full compliance with the requirements of this Article.
  
- (B) Additional Village Review of Applications of Telecommunications Retailers.
  - (1) Pursuant to Section 4 of the Telephone Company Act, Section 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities and shall be provided by the telecommunications retailer to the Village not less than ten (10) days prior to the commencement of work requiring no excavation and not less than thirty (30) days prior to the commencement of work requiring excavation. The Director of Public Works shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed, and subject to the variance procedure if applicable.
  
  - (2) Except in cases where a variance is required, in the event that the Director of Public Works fails to provide such specification of location to the telecommunications retailer within either (a) ten (10) days after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or (b) twenty-five (25) days after service of notice by the telecommunications retailer in the case of work involving

excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.

- (3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to Section 22-104 of this Article, the telecommunications retailer shall submit to the Village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of Subsection (A) of this Section.
- (C) Additional Village Review of Applications of Holders of State Authorization. Under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five (45) days after submission to the Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances and regulations.

**Section 22-106. EFFECT OF PERMIT.**

- (A) Authority Granted, No Property Right or Other Interest Created. A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Article on Village rights-of-way to the extent of the Village's property rights therein. The permit does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way, including, without limitation, such rights as may exist by virtue of 605 ILCS 5/9-113 (the Illinois Highway Code).
- (B) Duration. No permit issued under this Article shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.
- (C) Preconstruction meeting required. No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a preconstruction meeting. The preconstruction meeting shall be held at a date, time and place designated by the Village, with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

- (D) Compliance with All Laws Required. The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and all applicable statutes, laws, ordinances, rules, and regulations.

**Section 22-107. REVISED PERMIT DRAWINGS.**

In the event the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within ninety (90) days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance in accordance with Section 22-121 of this Article. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

**Section 22-108. INSURANCE.**

- (A) Required Coverages and Limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village and its elected and appointed officers, officials, agents, and employees as additional noncontributory insureds on the policies listed in paragraphs (1) and (2) below. The utility's insurance shall be primary, and any Village policies of insurance shall be deemed secondary.
- (1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:
- (a) Five million dollars (\$5,000,000) for bodily injury or death to each person;
  - (b) Five million dollars (\$5,000,000) for property damage resulting from any one accident; and
  - (c) Five million dollars (\$5,000,000) for all other types of liability;
- (2) Five million dollars (\$5,000,000) for environmental liability;

- (3) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars (\$1,000,000) for personal injury and property damage for each accident;
  - (4) Worker's compensation with statutory limits; and
  - (5) Employer's liability insurance with limits of not less than one million dollars (\$1,000,000) per employee and per accident.
- (B) Excess or Umbrella Policies. The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.
- (C) Copies Required. The utility shall provide copies of any of the policies required by this Section to the Village within ten (10) days following receipt of a written request therefor from the Village.
- (D) Maintenance and Renewal of Required Coverages. The insurance policies required by this Section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village Clerk of such intent to cancel or not to renew."

Within ten (10) days after receipt by the Village of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this Section.

- (E) Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection (A) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under Subsection (A) or the requirements of Subsections ( B), (C) and (D) of this Section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection (A) of this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act. Self-insurance shall be primary, and any Village policies of insurance shall be deemed secondary.

- (F) Effect of Insurance and Self-Insurance on Utility' s Liability. The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.
- (G) Insurance Companies. All insurance provided pursuant to this Section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.

**Section 22-109. INDEMNIFICATION.**

By occupying or constructing facilities in the right-of- way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the sole negligence, misconduct or breach of this Article by the Village, its officials, officers, employees, agents or representatives.

**Section 22-110. SECURITY.**

- (A) Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:
- (1) The faithful performance by the permittee of all the requirements of this Article;
  - (2) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this Article; and

- (3) The payment by permittee of all liens and all damages, claims, costs,, or expenses that the Village may pay or incur by reason of any action or nonperformance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Article or any other applicable law.
- (B) Form. The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this Subsection shall, at a minimum:
- (1) Provide that it will not be canceled without prior notice to the Village and the permittee;
  - (2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
  - (3) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.
- (C) Amount. The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Director of Public Works, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Director of Public Works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection (C) for any single phase.
- (D) Withdrawals from Cash Security Funds. The Village, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund if the fund is a Cash Security Fund, provided that the permittee has not reimbursed the Village for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
  - (2) Fails to pay any liens relating to the facilities that are due and unpaid;
  - (3) Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
  - (4) Fails to comply with any provision of this Article that the Village determines can be remedied by an expenditure of an amount in the Security Fund.
- (E) Replenishment of Cash Security Funds. Within fourteen (14) days after receipt of written notice from the Village that any amount has been withdrawn from the Cash Security Fund, the permittee shall restore the Cash Security Fund to the amount specified in Subsection (C) of this Section.
- (F) Interest on Cash Security Funds. The permittee may request that any and all interest accrued on the amount in the Cash Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the Cash Security Fund below the minimum balance required in Subsection (C) of this Section.
- (G) Closing and Return of Cash Security Fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Cash Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the permit, the Cash Security Fund, and any and all accrued interest therein, shall become the property of the Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.
- (H) Other Security Funds. Withdrawals, replenishment, renewal and closing of letter of credit or surety bond security funds shall be governed by the terms of the letter of credit or surety bond.
- (I) Rights Not Limited. The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

**Section 22-111. PERMIT SUSPENSION AND REVOCATION.**

- (A) Village Right to Revoke Permit. The Village may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:
- (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
  - (2) Non-compliance with this Article;
  - (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the public rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
  - (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.
- (B) Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 22-111.
- (C) Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:
- (1) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
  - (2) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five (5) working days after receipt of the written notice of revocation; or
  - (3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the public rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten (10) days after receipt of the written notice of revocation.
- The Village may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.
- (D) Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection (A) of this Section.

- (E) Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of Subsection (C) of this Section, the Village or a contractor designated by the Village may, at the option of the Village: (1) correct the deficiencies; (2) upon not less than twenty (20) days notice to the permittee, remove the subject facilities or equipment; or (3) after not less than thirty (30) days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of correction, removal or abandonment.

**Section 22-112. CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS:**

- (A) Notification of Change. A utility shall notify the Village no less than thirty (30) days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.
- (B) Amended Permit. A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.
- (C) Insurance and Bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

**Section 22-113. GENERAL CONSTRUCTION STANDARDS:**

- (A) Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:
- (1) Standard Specifications for Road and Bridge Construction;
  - (2) Supplemental Specifications and Recurring Special Provisions;
  - (3) Highway Design Manual;
  - (4) Highway Standards Manual;
  - (5) Standard Specifications for Traffic Control Items;

- (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code §545);
  - (7) Flagger's Handbook; and
  - (8) Work Site Protection Manual for Daylight Maintenance Operations.
- (B) Village Standards. In addition, all applicable Village standards, as defined in this Title, shall also apply to construction in the rights-of-way.
- (C) Interpretation of Village Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this Article, the Director of Public Works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Director of Public Works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

**Section 22-114. TRAFFIC CONTROL.**

- (A) Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's *Illinois Manual on Uniform Traffic Control Devices* and this Code.
- (B) Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.
- (C) Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
- (D) Notice When Access Is Blocked. At least forty-eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Section 22-120 of this Article, the utility shall provide such notice as is practicable under the circumstances.
- (E) Compliance. The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the Village.

**Section 22-115. LOCATION OF FACILITIES.**

- (A) General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility

facilities, regardless of type, shall be subject to the general location requirements of this Subsection:

- (1) No Interference with Village Facilities. No utility facilities shall be placed in any location if the Director of Public Works determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
  - (2) Minimum Interference and Impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
  - (3) No Interference with Travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
  - (4) No Limitations on Visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
  - (5) Size of Utility Facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
- (B) Parallel Facilities Located Within Highways.
- (1) Underground Parallel Facilities Required. Unless preemptive state law or a franchise grants the utility the right to locate parallel facilities aboveground or unless a variance is otherwise granted as hereinafter provided, all utility facilities located in that portion of a right-of-way parallel to a highway shall be located underground.
  - (2) Underground Parallel Facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:
    - (a) The facility is located as near the right-of-way line as practicable and not more than eight (8) feet (2.4 m) from and parallel to the right-of-way line;
    - (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and

- (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and between eight (8) feet and not more than five (5) feet (1.5 m) from the right-of-way line, and any aboveground appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

(C) Facilities Crossing Highways.

- (1) Underground Crossing Facilities Required. Unless preemptive state law or a franchise grants the utility the right to locate crossing facilities aboveground or unless a variance is granted as hereinafter provided, all utility facilities that cross a highway right-of-way shall be located underground.
- (2) No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
- (3) Culverts or Drainage Facilities. Crossing Facilities shall not be located in culverts or drainage facilities.
- (4) 90 Degree Crossing Required. Crossing facilities shall cross at or as near to a ninety (90) degree angle to the centerline as practicable.
- (5) Overhead Power or Communication Facility. If a variance has been granted, an overhead power or communication facility may cross a highway only if:
  - (a) It has a minimum vertical line clearance as required by ILCC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill.Adm.Code 305);
  - (b) Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
  - (c) Overhead crossings at major intersections are avoided.
- (6) Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:
  - (a) The design materials and construction methods will provide maximum maintenance-free service life; and
  - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

- (D) Facilities to Be Located Within Particular Rights-of-Way. The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.
- (E) Freestanding Facilities.
- (1) Immediately upon filing a permit application which includes a freestanding facility, the utility shall meet with the Director of Public Works and schedule an on-site review. In accordance with the standards and purposes of this Article, the Village may restrict the location and size of any freestanding facility located within a right-of-way, as appropriate to mitigate the impact upon the right-of-way and adjoining property.
  - (2) The Village may require any freestanding facility located within a right-of-way to be screened from view.
- (F) Facilities Installed Above Ground. Above ground facilities, including freestanding facilities, may be installed only if:
- (1) No other existing facilities in the area are located underground;
  - (2) New underground installation is not technically feasible; and
  - (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is prohibited.
- (G) Facility Attachments to Bridges or Roadway Structures.
- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
  - (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application

for facility attachment to a bridge or roadway structure will be based upon the following considerations:

- (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
- (b) The type, length value, and relative importance of the highway structure in the transportation system;
- (c) The alternative routings available to the utility and their comparative practicability;
- (d) The proposed method of attachment;
- (e) The ability of the structure to bear the increased load of the proposed facility;
- (f) The degree of interference with bridge maintenance and painting;
- (g) The effect on the visual quality of the structure; and
- (h) The public benefit expected from the utility service as compared to the risk involved.

(H) Appearance Standards.

- (1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.

**Section 22-116. CONSTRUCTION METHODS AND MATERIALS.**

(A) Standards and Requirements for Particular Types of Construction Methods.

(1) Boring or Jacking.

- (a) Pits and Shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Director of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral

loads that may be imposed upon it during the boring or jacking operation.

- (b) Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.
  - (c) Borings with Diameters Greater than 6 Inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).
  - (d) Borings with Diameters 6 Inches or Less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
  - (e) Tree Preservation. Any facility located within the drip line of any tree designated by the Village to be preserved shall be bored under or around the root system.
- (2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction" or with Village standards, whichever standards are more restrictive.
- (a) Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipeline testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Director of Public Works.
  - (b) Open Trench and Excavated Material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the *Illinois Manual on Uniform Traffic Control Devices*. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
  - (c) The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
- (3) Backfilling.
- (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its

full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction" or with Village standards, whichever standards are more restrictive. When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill as determined by the Director of Public Works shall be used.

- (b) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction-of the facility. If so ordered by the Director of Public Works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Director of Public Works.
- (4) Pavement Cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if:
- (a) Required by sound engineering judgment, as determined by the Director of Public Works; and
  - (b) Appropriate traffic control measures are approved by the Director of Public Works.

If a variance to the limitations set forth in this subparagraph (4) is permitted under Section 22-121, the following requirements shall apply:

- (a) Any excavation under pavements shall be backfilled as soon as practicable with granular material of CA-7 or flowable fill gradation, as designated by the Director of Public Works.
- (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
- (c) All saw cuts shall be full depth.
- (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of

the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

(5) Encasement.

- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.
- (b) The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.
- (d) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.
- (e) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;
- (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

- (6) Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

<u>TYPE OF FACILITY</u>	<u>MINIMUM COVER</u>
Power or Communication Line (in General) Electric lines	30 inches (0.8 m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6 m, as determined by the Village)
Gas or Petroleum Products	30 inches (0.8 m)
Water Line	Sufficient cover to provide freeze protection
Sanitary Sewer, Storm Sewer, or Drainage Line	Sufficient cover to provide freeze protection

(B) Standards and Requirements for Particular Types of Facilities.

(1) Electric Power or Communication Lines.

- (a) Code Compliance. Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines," and the National Electrical Safety Code.
- (b) Overhead Facilities. If overhead facilities have been permitted by the Village under Section 22-115, the overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
- (c) Underground Facilities. (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads. (2) If a crossing is installed by boring or jacking,

encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if (a) the crossing is installed by the use of "moles," "whip augers," or other approved method which compress the earth to make the opening for cable installation or (b) the installation is by the open trench method which is only permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.

- (d) Burial of Drops. All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten (10) business days after placement.
- (2) Underground Facilities Other than Electric Power or Communication Lines. Underground facilities other than electric power or communication lines may be installed by:
- (a) The use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;
  - (b) Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
  - (c) Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
  - (d) Tunneling with vented encasement, but only if installation is not possible by other means.
- (3) Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR 192), IDOT's "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.
- (4) Petroleum Products Pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
- (5) Water Lines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. Water lines, sanitary sewer lines, storm

sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois" and Village standards.

- (6) Ground Mounted Appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way by variance, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy-duty plastic or similar material approved by the Director of Public Works. With the approval of the Director of Public Works, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C) Materials.

- (1) General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standards Specifications for Road and Bridge Construction" and Village standards, the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- (2) Material Storage on Right-of-Way. All pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village. No materials may be stored in the floodway or floodplain.
- (3) Hazardous Materials. The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) Operational Restrictions.

- (1) Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

- (2) These restrictions may be waived by the Director of Public Works when emergency work is required to restore vital utility services.
  - (3) Unless otherwise permitted by the Director of Public Works, the hours of construction shall be between (a) 7:00 a.m. and 7:00 p.m. (excluding rush hours as determined by the Director of Public Works), Monday through Friday and (b) 8:00 a.m. and 7:00 p.m. on Saturday.
- (E) Location of Existing Facilities. Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing aboveground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (Section 220 ILCS 50/1 et seq.)

**Section 22-117. VEGETATION CONTROL.**

- (A) Electric Utilities - Compliance with State Laws and Regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations and, additionally, with such local franchise or other agreement with the Village as permitted by law.
- (B) Other Utilities--Tree Trimming Permit Required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.
- (1) Application for Tree Trimming Permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
  - (2) Damage to Trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International

Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

- (C) Specimen Trees or Trees of Special Significance. The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.
- (D) Chemical Use.
  - (1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.
  - (2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Director of Public Works that such spraying is the only practicable method of vegetation control.

**Section 22-118. REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES.**

- (A) Notice. Within ninety (90) days following written notice from the Village, a utility shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.
- (B) Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the public rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the public rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:
  - (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
  - (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;

- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
  - (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.
- (C) **Emergency Removal or Relocation of Facilities.** The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Village shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.
- (D) **Abandonment of Facilities.** Upon abandonment of a facility within the public rights-of-way of the Village, the utility shall notify the Village within ninety (90) days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Director of Public Works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that the abandoned facility be removed, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person at the Village's sole discretion.

**Section 22-119. CLEANUP AND RESTORATION.**

Upon completion of all construction or maintenance of facilities, the utility shall remove all excess material and restore all turf and terrain in a timely manner and to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Director of Public Works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project and as per Village standards.

**Section 22-120. MAINTENANCE AND EMERGENCY MAINTENANCE.**

- (A) **General.** Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.
- (B) **Emergency Maintenance Procedures.** Emergencies may justify noncompliance with normal procedures for securing a permit:
- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to

provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

- (2) In an emergency, the utility shall, as soon as possible, notify the Director of Public Works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.
  - (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.
- (C) Emergency Repairs. The utility must file in writing with the Village of a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

**Section 22-121. VARIANCES.**

- (A) Request for Variance. A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Director of Public Works as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.
- (B) Authority to Grant Variances. The Director of Public Works shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.
- (C) Conditions for Granting of Variance. The Director of Public Works may authorize a variance only if the utility requesting the variance has demonstrated that:
  - (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
  - (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

- (D) Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the Director of Public Works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.
- (E) Right to Appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Director of Public Works under the provisions of this Article shall have the right to appeal to the Board of Trustees or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within 30 days after the date of such order, requirement, decision or determination. The Board of Trustees shall commence its consideration of the appeal at its next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The Board of Trustees shall timely decide the appeal.

**Section 22-122. PENALTIES.**

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to a fine of not less than \$250.00 nor more than \$750.00 for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility who does not pay the costs apportioned to it.

**Section 22-123. ENFORCEMENT.**

Nothing in this Article shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Article.

**Section 22-124. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**ARTICLE 2 -- PROHIBITED STREET USES**

**Section 22-201. OBSTRUCTIONS.** It shall be unlawful for any person, firm or corporation, to cause, create or maintain any obstruction of any street, roadway, alley, sidewalk or other public way, except as may be specifically authorized by this chapter or allowed under permit issued by the Director of Public Works and Engineering.

**Section 22-202. DRAINAGE.** It shall be unlawful for any person, firm or corporation, to stop, damage, or obstruct the passage of water in any street, gutter or public sewer, culvert, water pipe, hydrant or drain in any street, alley, public place or drainage easement.

**Section 22-203. DEPOSITS ON ROADWAYS AND PARKWAYS.** It shall be unlawful for any person to deposit on any street, alley or parkway (1) any material which may be harmful to the pavement or surface thereof; or (2) any landscape material, including leaves, branches or grass; or (3) ice or snow; or (4) any waste material, such as glass or other articles, which may do injury to any person, animal or property.  
(Ordinance 03-154, 11.18.03)

**Section 22-204. INJURY TO PARKWAYS.** It shall be unlawful for any person, firm or corporation to injure, disturb or damage any parkway, unless the same shall occur under any permit issued pursuant to the ordinances of the Village of Bolingbrook. Where such injury, disturbance or damage occurs pursuant or incidental to work carried on under such a permit, immediately upon the completion of such work the parkway shall be restored to its original condition. In the event of failure to make such restoration, in addition to all other conditions and consequences provided elsewhere in this Code, the person, firm or corporation responsible for such restoration by the terms of the respective permit, shall be subject to a penalty of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500) for each offense, and each day that such parkway shall remain in disrepair after the completion of the work shall be considered a separate offense.

**Section 22-205. WATER, GAS AND SEWER LINES.** No water, gas or sewer pipes or tile shall be laid or buried in any street, alley or other public place without there having first been issued a permit therefore.

**SECTION 22-206. WIRES AND POLES.** It shall be unlawful to erect any poles or wires, including electric, telephone and telegraph poles and wires, or to maintain such poles and wires on, over, or under any street, alley or other public place without there having first been issued a permit therefore.

**SECTION 22-207. REMOVAL, RELOCATION OR MODIFICATION OF FACILITIES LOCATED IN THE PUBLIC WAY** (Added by Ordinance No. 02-128, 10.08.02)

(A) Definitions: As used in this Section, the following terms shall have the meanings hereinafter ascribed to them:

(1) "Facility" means all structures, devices, objects, and materials (including track and rails, wires, ducts, fiber optic cable, communications and video cables and wires, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within Village rights-of-way, except those facilities owned by the Village.

(2) "Right-of-way" means any street, alley, other land or waterway, dedicated or commonly used for public purposes, including utility easements in which the Village has the right and authority to authorize, regulate or permit the location of facilities.

(B) Removal, Relocation or Modification of Facilities. Within ninety (90) days following written notice from the Village, the owner or operator of any facility located on a Village right-of-way shall, at its sole cost and expense, temporarily or permanently remove, relocate, change or alter the position of any facilities within the Village rights-of-way whenever the Director of Public Works shall have determined that such removal, relocation, change or alteration, is reasonably necessary or convenient for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the Village rights-of-way.

(C) Abandonment of Facilities. Upon abandonment of a facility within the public rights-of-way of the Village, the owner or operator of the facility shall notify the Village within ninety (90) days. Following receipt of such notice the Village may direct the owner or operator of the facility, at its sole cost and expense, to remove all or any portion of the facility if the Director of Public Works determines that such removal will be in the best interest of the public health, safety and welfare.

**ARTICLE 3 -- STREET LIGHTING**

**Section 22-301. STREET LIGHTING SYSTEM.** The street lighting system of the Village of Bolingbrook shall include all poles, mast, arms, luminaries, wire and all other materials required by Section 30-419 of the Bolingbrook Municipal Code (Development Code) and for all other street lighting installations which are placed adjacent to or over a street, roadway, alley, sidewalk or other public way within the boundaries of the Village of Bolingbrook. (Ordinance No. 75-35, 4.29.75)

**Section 22-302. STANDARD REQUIREMENTS.** To promote safety through reliable maintenance and service, any addition to the street lighting system of the Village of Bolingbrook, whether pursuant to Section 30-419 of the Bolingbrook Municipal Code (Development Code), or otherwise shall conform to the requirements of said Section 30-419. All modifications and replacements of the existing system shall conform to the extent practicable to the requirements of said Section 30-419. (Ordinance No. 75-35, 04.29.75)

**Section 22-303. INSPECTION.** Prior to operation of any addition to or modification of the street lighting system of the Village of Bolingbrook, the Director of Public Works or his authorized agent shall certify that the addition or modification complies with this Article. Prior to such certification, one copy of all shop drawings for any modification or addition shall be submitted to said Director to facilitate certification and ensure proper maintenance.

**ARTICLE 4 -- DRIVEWAYS AND OPENINGS ONTO PUBLIC STREETS**

**Section 22-401. PERMIT REQUIRED.** No person shall hereafter build or construct any driveway or other means of access leading from a public street into abutting property nor disturb or make any opening on or into any public street, curb, gutter, sidewalk or other public property for the purpose of constructing or maintaining such driveway or means of access without first obtaining a permit to do so from the office of the Building Commissioner.

**Section 22-402. APPLICATION.**

(A) An application for a permit hereunder shall be filed with the Building Commissioner and shall contain at least the following information: the name of the person owning the property abutting the proposed driveway or other means of access, the name and address of the party who will perform the proposed work under the permit, and the location of the work area. The application shall be accompanied by plans showing details of the proposed work. The application shall contain such other information as the Building Commissioner shall from time to time require by general rule.

(B) An application for a permit for a driveway or other means of access to be constructed in connection with a business, commercial or industrial use shall also be accompanied by a bond in the sum of Two Hundred Fifty Dollars (\$250.00), with good and sufficient sureties thereon satisfactory to the Village conditioned so as to indemnify and hold harmless the Village, its officers and employees, against all claims for damages, costs and expenses in any way connected with or occasioned by reason of the construction of such driveway or other means of access, whether or not said claims, costs and expenses are due to any acts or omissions of the Village, its officers or employees or any other person.

(C) The application for a permit shall be accompanied by a nonrefundable fee of Twenty Five Dollars (\$25.00) to cover the costs of administration and inspection.

(D) Upon receipt of an application meeting the requirements of this Section 22-402, together with all required attachments, bonds, and fees, the Building Commissioner shall forward said application to the Village Engineer for his review in accordance with the standards hereinafter established.

**Section 22-403. ISSUANCE AND DENIAL OF PERMITS; STANDARDS.**

(A) Immediately upon receipt of an application for a permit hereunder, the Building Commissioner shall forward a copy of all plans for the proposed work to the Village Engineer for his review.

(B) The Village Engineer shall promptly review such plans for compliance with the following standard specifications:

1. Radius:

	<u>Minimum</u>	<u>Maximum</u>
Residential	0'	2' Taper
Commercial	25'	42'

(Ordinance 96-001, 01.09.96)

2. Width:

	<u>Minimum</u>	<u>Maximum</u>
Residential	12'	24' at R.O.W. 28' at curb
Commercial	20'	36'

(Ordinance No. 98-127, 10.13.98)

3. Pavement Thickness & Material:

	<u>Minimum</u>	<u>Type</u>
a) Residential	4" No. 9 Compacted Stone	2" I-11 Bituminous
b) Residential	4" No. 9 Compacted Stone	4" Class "X" Concrete
c) Commercial *	8" No. 9 Compacted Stone	6" Class "X" Concrete
d) Commercial *	8" No. 9 Compacted Stone Wearing	1-1/2" Bituminous Binder 1-1/2" Bituminous Surface Course

e) Loose materials such as sand, gravel, stone, cinders, etc., are prohibited as surface course for all driveways.

\* Additional Thickness may be required where it is determined that heavy vehicular loads may be imposed.

4. Curb Requirements:

Residential: Same as curb extended into lot, however depressed at all drive openings.

Commercial: Same as residential. Materials for curbs and gutters shall be class "X" and constructed as specified in "Standard

Specifications for Road and Bridge Construction, State of Illinois Department of Public Works and Buildings, Division of Highways" as adopted January 2, 1973, or the latest edition issued thereafter.

Commercial lots shall have a minimum of two access points from adjacent streets. In certain circumstances commercial lots may be allowed to have one access point as long as the access point is a minimum of 36 feet in width. All access roadways which will be used by fire apparatus shall have a minimum of a 40 foot inside turning radii. (Ordinance No. 96-001, 01.09.96)

5. Culverts:

Minimum

Residential\* 15" Diameter reinforced concrete

Commercial \* 18" Diameter reinforced concrete

\* Increase in Diameter may be required to meet certain storm water volumes.

6. Other Requirements:

a) Where two driveways parallel one another, a minimum fifteen (15) foot pedestrian safety island is required.

b) Standards and specifications set forth in the "Policy and Permits for Access Driveways to State Highways: prepared by the Bureau of Traffic - Department of Public Works and Buildings, shall govern the construction under permits issued pursuant to this Article; provided, however, that where such standards and specifications conflict with the requirements hereinabove established shall control.

c) Only one curb cut shall be allowed for each home. (Ordinance 07-124, 10.23.07)

(C) If the Village Engineer finds such plans to be in compliance with the foregoing standards, he shall so inform the Building Commissioner; otherwise he shall return such plans to the Building Commissioner with his written report of the respects in which such plans fail to so comply.

(D) The Building Commissioner shall issue a permit hereunder when he finds:

- (1) That the plans for the proposed work have been approved by the Village Engineer as hereinabove required; and
- (2) That by reason of number, location and construction the driveway or other means of access will not unreasonably interfere with vehicular or pedestrian traffic, the demand and necessity for parking spaces, and the means of access to and egress from the property affected and adjacent properties; and
- (3) That the health, welfare and safety of the public will not be unreasonably impaired.

(E) If the Building Commissioner shall find that the permit may not be issued, he shall deny the permit and immediately notify the applicant in writing of such denial and the specific reasons therefore.

**Section 22-404. REPAIR AND MAINTENANCE.** It shall be the duty of the permittee and the abutting property owner to maintain the driveway in good repair, free from all obstructions.

**Section 22-405. REVOCATION OF PERMIT FOR HAZARDOUS DRIVEWAYS.**

(A) Whenever, in the opinion of the Building Commissioner, a driveway or opening onto a public street whose improvement or modification would be subject to the provisions of this article poses a hazard impairing the health, welfare, and safety of the public by reason of nonconformance with the provisions of this article, he shall serve written notice of such alleged hazard upon the owners of the abutting property. Notice shall be given either by personal service or by mailing a copy thereof to the abutting owner by certified mail, return receipt requested, at his last known address, or in the event neither of these is effective to actually notify the abutting owner, a copy shall be posted in a conspicuous place at the site of the alleged hazard.

(B) The notice shall specify the alleged hazard by reference to the provisions of this article; shall demand that the hazard be eliminated; and shall specify a return date at which time evidence that the alleged hazard does not exist or no longer exists shall be presented to the Board of Trustees. Said notice may also include recommendations of the Village Engineer which if followed would eliminate the alleged hazard.

(C) Upon a finding that a hazard exists the Board of Trustees may, by resolution, revoke any existing permit for such driveway or opening, or if there is no existing permit for such driveway, the Board may require compliance with such standards of this article as will eliminate the hazard.

(D) An abutting owner shall apply for a driveway permit within thirty (30) days of the adoption of a resolution revoking a permit or requiring compliance pursuant to the preceding section. A new permit

shall be issued, pursuant to this article in the case of revocation, or pursuant to the standards specified in the resolution if no prior permit existed. If the abutting owner fails to make such an application, the hazardous driveway or opening shall be removed and the sidewalk and other public areas shall be restored to the same condition as on adjoining street frontage.

**ARTICLE 5 -- MAILBOXES**

**Section 22-501. INSTALLATION.** Mailboxes and their installation shall conform to the specifications of the United States Postmaster General. The mailbox shall be mounted such that the door is 6" behind the back of the curb, 42" high and located on the side of the street as specified by the local post office.

**Section 22-502. MOUNTING POSTS.** (Changed in its entirety by Ordinance 07-124, 10.23.07) The objective of this Section is to provide guidance to the homeowner as to what types of posts are desirable. Posts smaller or less substantial (decorative posts) are subject to damage as discussed in Section 22-504. Posts more extensive than mentioned such as masonry, steel beams, or poured concrete are dangerous to snow removal equipment and other vehicles due to their excessive resistance to knockdown. Therefore, these more extensive posts are discouraged. Mailboxes damaged by snow discharge, per Section 22-504, that are not installed in conformance with these specifications will not be repaired by the Village.

<u>POST TYPE</u>	<u>DIMENSIONS</u>	<u>ANCHORED IN</u>	<u>MOUNTING FITTINGS</u>
Treated Wood Only	4" x 4" or 6" x 6"	Concrete	Angle Iron & Bolts (4-1/8" bolts min.)
Cast Iron Pipe	2" OD to 6" OD 3/32" min. wall thickness	Concrete	Threaded pipe flange & bolts (4-1/8" bolts min.)
Galvanized Steel Pipe	Same as Cast Iron	Same as Cast Iron	Same as Cast Iron
Steel Pipe (Painted only)	Same as Cast Iron	Same as Cast Iron	Same as Cast Iron

**Section 22-503. DAMAGE TO MAILBOX THROUGH DIRECT CONTACT WITH VILLAGE VEHICLES.**

- (A) If any mailbox is damaged or knocked down during snow removal operations by direct contact with any Public Works vehicle, such damage will be repaired by the Village upon establishment by the Director of Public Works and Engineering or his representative that direct contact with the mailbox did occur.
- (B) Any mailbox damaged by direct contact with a Public Works vehicle will be replaced in compliance with the specifications contained in Sections 22-501 and 22-502. The replacement will be made at the expense of the Village, however, any difference in cost, value or aesthetics between the damaged and replacement mailbox will be uncollectable by the owner.

**Section 22-504.**      **DAMAGE TO MAILBOX BY SNOW DISCHARGE.**      If any mailbox is damaged or knocked down by snow discharge from a Public Works vehicle as determined by the Director of Public Works and Engineering or his representative the following items shall apply:

- (A) If Section 22-502 is met, the mailbox will be replaced by another conforming to the specifications.
  
- (B) If Section 22-502 is not met, the damage will be considered an event that no experience, foresight or reasonable care by Public Works Department Personnel might have guarded against, such damage shall be considered an inevitable occurrence and as such, payment for such damage will be uncollectable.

**ARTICLE 6 -- CONSTRUCTION IN DRAINAGE EASEMENTS**

**Section 22-601. PERMIT REQUIRED.** It shall be unlawful for any person, firm, or corporation to build, construct or place any structure, retaining wall or fence, or alter the drainage pattern or swale within a drainage easement without first obtaining a permit from the Building Commissioner as provided in the Village Code.

**Section 22-602. EXEMPTIONS.**

(A) The provisions of this chapter relating to the securing of permits shall not apply to officers or employees of the Village engaged in doing Village work; nor to persons, firms, or corporations doing work for the Village under contract with the Village.

(B) The provisions of Sections 22-601 and 22-603 shall not apply to work done under a permit issued by the Village where such work is incidental to or part of building construction, plumbing, water or sewer activities, provided that the bond and deposit requirements have been satisfied.

**Section 22-603. APPLICATIONS.** Applications for permits required under the provisions of Section 22-601 shall be made to the Building Commissioner and shall describe the locations of the intended structure, retaining wall, fence or grading thereof, the purpose therefore, and the person, firm or corporation doing the actual work, and the name of the person, firm, or corporation for whom the work is being done, and shall contain a covenant that the applicant will comply with all ordinances and laws relating to the work to be done.

**Section 22-604. ISSUANCE OR DENIAL OF PERMITS; STANDARDS.**

(A) Immediately upon the receipt of an application for a permit hereunder, the Building Commissioner shall forward a copy of all plans for the proposed work to the Village Engineer and the Planning and Zoning Administrator for their review.

(B) The Village Engineer and Zoning Administrator shall review the application for the following items:

1. Compliance with all applicable zoning requirements.
2. Determination of the impact of such improvements on the drainage pattern and whether or not such change is allowable.
3. If such improvements affect the operations of utilities in the easement, a letter of consent must be received from the utilities affected. Utilities which may be

affected include: Bolingbrook Service Company, Northern Illinois Gas Company, Commonwealth Edison Company, Citizens Utilities of Illinois, American Cable, Illinois Bell Telephone, Village of Bolingbrook and their successors, heirs or assigns.

(C) If the Zoning Administrator and Village Engineer find that such plans are in conformance with applicable standards they shall so inform the Building Commissioner; otherwise they shall return the application to the Building Commissioner's office with a written report of the reason why such plans fail to comply.

(D) The Building Commissioner shall issue a permit hereunder when he finds:

1. That the plans have been approved by the Village Engineer and Zoning Administrator.
2. A request for utility locations to the J.U.L.I.E. Location System and to the Public Works Department has been made.

(E) If the Building Commissioner shall find that the permit may not be issued, he shall deny the permit and immediately notify the applicant in writing of such denial and the reason therefore.

**ARTICLE 7 -- ENFORCEMENT**

**Section 22-701. AUTHORITY.** It shall be the duty of the Director of Public Works and Engineering or his designated representative to investigate any notice of violation of this Chapter, and to serve notice to such person or company which is in violation of this Chapter. Such notice shall normally mean that the person or company in violation has ten (10) working days (2 weeks) to correct such violation, unless immediate hazard to the public will result, in which case appropriate action should be taken immediately by the violator or Village as required. If the Village or its employees perform such corrective action, a bill will be submitted to the violator in addition to any appropriate fine. Notification shall be by letter or citation as is appropriate for the particular instance.

**Section 22-702. PENALTY FOR VIOLATION.** The penalty for violation of any provision of this Chapter shall be One Hundred Dollars (\$100.00, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ordinance No. 02-128, 10.08.02).

**Section 22-703. SEVERABILITY.** Each of the provisions of this Article are severable, and if any provision is held invalid, the remaining provisions shall not be affected but shall remain in full force and effect.