

**ORDINANCE NUMBER: 2023-12-18-1**

**AN ORDINANCE**

**CREATING CHAPTER 241 "PUBLIC RIGHT-OF-WAY"**

**FOR THE VILLAGE OF OAKWOOD, VERMILION COUNTY, ILLINOIS**

Approved by the President and Board of Trustees and published in pamphlet form this 18TH<sup>nd</sup> day of December 18, 2023, all by authority of the President and Board of Trustees of the Village of Oakwood, Vermilion County, Illinois.

OAKWOOD  
VERMILION COUNTY, ILLINOIS

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FOR THE VILLAGE OF OAKWOOD, VERMILION COUNTY, ILLINOIS

**WHEREAS**, as a Unit of Local Government, the Village of Oakwood, Vermilion County, Illinois ("Village") has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, that protect the public health, safety and welfare of its citizens, and

**WHEREAS**, the Corporate Authorities of the Village previously adopted its Code of Ordinances; and

**WHEREAS**, the Village discussed with staff, the public and other parties and recognizes that its public rights-of-way is and will continue to be utilized by various utilities and that it is appropriate for it to provide for an organized method of using such right of ways in a manner which promotes the efficient use of such space without intrusion by one user into the use of another and in a manner that protects the public and provides for the public good; and

**WHEREAS**, the Corporate Authorities of the Village now find it necessary, desirable and appropriate to amend certain provisions regulating to the use of public rights-of-way within the Village under and pursuant to its power and authority as a Unit of Local Government and the Illinois Municipal Code (65 ILCS 5/1-1-1 et seq; 65 ILCS 5/11-80-1 et seq.), as supplemented and amended, by further amending the Village Code of Ordinances to add Chapter 241 regulating the public right of way as provided herein.

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF OAKWOOD, ILLINOIS, as follows:

Section 1. Amendment of Village Code of Ordinances. There is hereby created a Chapter 241 to the Oakwood Code of Ordinances as provided for in Exhibit A attached hereto and by reference incorporated herein.

Section 2. Effective Date. The provisions of this Ordinance shall become effective following its passage, approval and publication as required by law and shall take effect and be from and after the date of its final passage and adoption.

Section 3. Conflict. All ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be

## EXHIBIT A

### Chapter 241 Public Right-of-Way

**241.001 Purpose.** The purpose of this chapter is to establish policies and procedures for constructing and maintaining all facilities utilizing 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. This applies to all facilities on, over, above, along, upon, under, across or within the public rights-of-way. 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.

**241.002 Intent.** In enacting this chapter, the Village intends to exercise its authority over rights-of-way in the Village and, in particular the use of public ways and property by utilities and others desiring to utilize rights-of-way, by establishing uniform standards to address issues presented by such facilities, including without limitation to:

- A. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- B. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- C. Prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or public property;
- D. Protect against environmental damage, including damage to trees, from the installation of utility facilities;
- E. Prevent visual blight from the proliferation of facilities in the rights-of-way;
- F. Preserve the character of the neighborhoods in which facilities are installed;
- G. Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations; and
- H. Preventing proliferation of facilities utilizing rights-of-way or areas adjacent to rights-of-way which would increase the expense of maintenance and the cost of repair, rebuilding, or expansion of rights-of-way;
- I. Keep roadside ditches and culverts clean and maintained properly so they can adequately convey stormwater;
- J. Prevent unauthorized changes to public stormwater facilities that affect properties up and down stream; and
- K. Outline maintenance expectations for owners of properties adjacent to public right-of-way.

**241.003 Administration.** It shall be the duty of the Village Administrator or his or her designee to administer and enforce the regulations contained herein. Nothing in this chapter shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this chapter.

**241.004 Applicability.** When this Chapter imposes a greater restriction than those imposed or required by the provisions of another existing Chapter or rules and regulations, this Chapter shall control. When the provisions of existing Chapter or rules and regulations impose greater restrictions than those imposed or required by this Chapter, they shall control.

**241.005 Conflicts with State and Federal Laws.** In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the applicant shall comply with

the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.

**241.006 Sound Engineering Judgement.** The Village will use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the Village so determines it is necessary and consistent with sound engineering judgement. 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.

**241.007 Definitions.** For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not defined in this chapter shall have the meaning ascribed to it in 92 Illinois administrative code chapter 530.30, unless the context clearly requires otherwise.

**AASHTO.** American Association of State Highway and Transportation Officials.

**ANSI.** American National Standards Institute.

**APPLICANT.** Any person or entity, firm, corporation or other legal entity applying for a permit under this Chapter.

**ASLA.** American Society of Landscape Architects.

**ASTM.** American Society for Testing and Materials.

**AWWA.** American Water Works Association.

**BACKFILL.** The methods or materials for replacing excavated material in a trench or pit.

**BORE OR BORING.** To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor or conduit by means of a rotating cutting head or auger. See Horizontal Directional Drilling.

**CARRIER PIPE.** The pipe enclosing the liquid, gas or slurry to be transported.

**CASING.** A structural protective enclosure for transmittal devices such as carrier pipes, electrical conductors, and fiber optic devices.

**CLEAR ZONE.** The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and a clear run out area.

**CONDUCTOR.** Wire carrying electrical current.

**CONDUIT.** A casing or encasement for wires or cables.

**CONSTRUCTION or CONSTRUCT.** The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification, reconstruction, or abandonment in place of facilities.

**CONTROLLED LOW STRENGTH MATERIAL (CLSM).** A mixture of Portland Cement, fly ash, fine aggregate, and water. The mix shall be proportioned to provide a backfill material which is self-compacting and capable of being excavated with hand tools, if necessary, at a later date. Materials and proportioning shall comply with Article 593 of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.

**COVER.** The depth of earth or backfill over a buried utility line, conductor, conduit, carrier pipe.

**CROSSING FACILITY.** A facility that crosses one or more right-of-way lines.

**CULVERT.** A conduit for the passage of surface drainage water under a roadway, driveway approach, railroad, or other surface impediment.

**DISCHARGE.** The rate of outflow of water from a stormwater drainage or stormwater detention facility.

**DISRUPT THE RIGHT-OF-WAY.** For the purposes of this Chapter, 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 purpose. 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 but shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a roadway or street.

**DRIVEWAY APPROACH.** A privately maintained roadway located within a public right-of-way providing access for vehicles between a public street and private property.

**DRY WEATHER WATER OUTLET.** An outlet from a sump pump, footing tile, field tile, or other source which may discharge at times other than during periods of rainfall and pursuant to direct surface runoff.

**DUMPSTER.** A receptacle designed for the disposal of litter, trash, refuse, or recycled materials.

**EMERGENCY.** Any immediate maintenance to a 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.

**ENCASEMENT.** Provision of a protective casing.

**ENCROACHMENT.** A private improvement, structure or obstruction extending into or located within, upon, above or under any public right-of-way or public easement.

**EQUIPMENT.** Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

**EXCAVATION.** The making of a hole or cavity by removing material or laying bare by digging.

**FACILITY.** All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, street lights, grates, covers, pipes, cables, and appurtenances, signs thereto, together with any natural vegetation, screening, and other materials installed or planted to hide or otherwise camouflage any of the forgoing) located on, over, above, along, upon, under, across, or within rights-of-way under this chapter. For purposes of this chapter, the term "facility" shall not include any facility owned or operated by the Village.

**FENCE.** A constructed barrier erected as a means of protection or confinement to enclose or screen areas of land.

**FENCE, ELECTRONIC.** An underground means of controlling the movement of an animal by emitting an electrical signal when the animal wearing an electronic collar nears the boundary of the fence.

**FREESTANDING FACILITY.** A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station located outside of the right-of-way.

**GLARE.** Lighting entering the eye directly from a light fixture or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

**HAZARDOUS MATERIALS.** Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village 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, biological agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

**HIGHWAY.** A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "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.

**HIGHWAY CODE.** The Illinois Highway Code, 605 Illinois Compiled Statutes 5/1-101 et seq., as amended from time to time.

**HOLDER.** 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 Illinois Compiled Statutes 5/21-401.

**HORIZONTAL DIRECTIONAL DRILLING (HDD).** A steerable system for installing pipes, conduits, or cables using a drilling machine which is located on the surface of the ground. The HDD equipment drills a pilot bore hole through the soils in a shallow arc, exiting the soils at a pre-determined location. The pilot hole is enlarged by pulling back a reaming tool and product/carrier pipe to the drill rig location.

**ICC.** Illinois Commerce Commission.

**IDOT.** Illinois Department of Transportation.

**IEPA.** Illinois Environmental Protection Agency.

**JACKING.** Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

**JETTING.** Pushing a pipe through the earth using water under pressure to consolidate loose backfill.

**JOINT USE.** The use of pole lines, trenches, conduits, or other facilities by two (2) or more utilities.

**JULIE.** The one-call joint utility locating system in Illinois.

**LIGHT TRESPASS.** Light falling where it is not wanted or needed (also referred to as spill light or obtrusive light).

**LOCAL TRAFFIC.** Traffic whose immediate destination is within the limits of construction or right-of-way closure, for access to real property not otherwise accessible by other means.

**MICROTUNNELING.** Microtunneling is a one or two pass tunneling method, which utilizes a remotely controlled Micro Tunnel Boring Machine (MTBM) which can control the volume of excavated soils entering the MTBM, to install a carrier pipe or conduit to the required tolerances for line and grade.

**MUTCD.** Illinois Manual on Uniform Traffic Control Devices.

**NEC.** National Electrical Code.

**OBSTRUCT.** To place any tangible object in a right-of-way to hinder free and open passage over that or any part of the right-of-way.

**OCCUPANCY.** The presence of facilities on, over or under right-of-way.

**OWNER.** When applied to property, includes any part owner, joint owner, purchaser, and seller under a contract and/or deed, or tenant in common of the whole or part of the property, and includes any beneficiary of a land trust which owns property.

**PARALLEL FACILITY.** A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

**PARKWAY.** Any portion of the right-of-way not improved by street, sidewalk, or bike path.

**PAVEMENT CUT.** The removal of an area of pavement for access to a facility or for the construction of a facility.

**PERFORMANCE GUARANTEE.** Any security that may be accepted by the Village as a guarantee that the improvements and repairs required as a part of facility installation are satisfactorily completed.

**PERMITTEE.** That entity to which a permit has been issued for use of right-of-way pursuant to the terms of this Chapter.

**PERSON.** Any legal person; includes associations, partnerships, corporations, joint ventures and bodies politic and corporate as well as individuals.

**PETROLEUM PRODUCTS PIPELINES.** Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal slurry.

**PORTABLE STORAGE CONTAINER.** A container used for temporary storage of non-waste items.

**PRACTICABLE.** That which is performable, feasible or possible, rather than that which is simply convenient.

**PRESSURE.** The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

**PROMPT.** That which is done within a period of time specified by the Village. If no time period is specified, the period shall be 15 calendar days.

**PROPERTY, PERSONAL.** *Includes all property except real.*

**PROPERTY, REAL.** Land and whatever is erected, growing upon, or affixed to land.

**PUBLIC ENTITY.** A legal entity that constitutes or is part of the government, whether at local, state, or federal level.

**PUBLIC IMPROVEMENTS.** Street pavements, public walkways, monuments, water mains, sanitary sewers, storm drain lines, street signs, streetlights, drainage ditches, culverts, and appurtenances to the foregoing items owned, operated and maintained by the Village and for use by the public.

**PUBLIC UTILITY EASEMENT.** Land set aside or over which a liberty, privilege, or advantage in land existing distinct from the ownership of the land is granted to the public for limited use for a public purpose.

**RESTORATION.** Repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility to a condition equal or better than what existed prior to the repair.

**RIGHTS-OF-WAY.** The area on, below, or above land dedicated to a public roadway, highway, street, public sidewalk, or alley dedicated for transportation and other compatible uses.

**ROADWAY.** That part of the right-of-way that includes the pavement, shoulders, curbs, and roadside drainage ditches.

**SALE OF TELECOMMUNICATIONS AT RETAIL.** *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.*

**SERVICE LINES.** A pipe, conduit, cable, wire, or other similar facility intended to make a connection between a utility owned facility and provide service an adjacent property.

**SHOULDER.** 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.

**TELECOMMUNICATIONS.** This term 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 nontraffic 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 purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications.

"Telecommunications" shall not include the provision of cable services through a cable system as defined in the cable communications act of 1984 (47 USC chapters 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 CFR chapter 76.1500 and following), as now or hereafter amended.

**TELECOMMUNICATIONS PROVIDER.** Any person that installs, owns, operates, or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

**TELECOMMUNICATIONS RETAILER.** Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

**TRENCH.** A relatively narrow open excavation for the installation of an underground facility.

**UTILITY.** The individual, unit of local government, corporation or entity owning or operating any "facility" as defined in this chapter.

**VEGETATION.** Growing plants, grasses, and ground cover.

**VENT.** A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

**VIDEO SERVICE.** That term as defined in chapter 21-201(v) of the Illinois cable and video competition law of 2007, 220 Illinois Compiled Statutes 21-201(v).

**VILLAGE.** The Village of Oakwood, Vermilion County, Illinois

**VILLAGE ENGINEER.** A professional engineer, registered as such and licensed to practice in the State of Illinois, and employed by the Board of Trustees of the Village of Oakwood, to provide technical expertise and counsel.

**VISIBILITY TRIANGLE.** The area within the vertices of an isosceles triangle whose two equal legs are to be measured along the right-of-way lines of the adjoining or intersecting streets or roads (or extensions thereof). The TRIANGLE shall be formed by a diagonal line connecting two points measured on the right-of-way lines of the intersecting streets located 30 feet from the point of intersection at the street right-of-way lines.

**WATER LINES.** Pipelines carrying raw or potable water.

**WET BORING.** Pushing a pipe through the earth using water under pressure to create a cavity ahead of a pipe, or boring using water under pressure at the cutting auger to soften the earth and to provide a slurry for the excavated material.

**241.008 Facilities Subject to This Chapter.** This chapter applies to all facilities on, over, above, along, upon, under, across, or within the Village controlled rights-of-way. A facility lawfully established prior to the effective date of this chapter may continue to be maintained, repaired, and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

**241.009 Other Activities Subject to this Chapter.** Any type of construction activity, tree planting, landscape planting, mailbox installation, placement of personal property or any activity that results in a closure of one or more lanes of traffic.

**241.010 Obstructions and Encroachments.** Except otherwise provided, no person shall cause, create, or maintain any obstruction, encroachment, or disruption of any Village rights-of-way without a permit or approval from the Village. The Village is not responsible for repair or replacement of any obstructions, disruptions or encroachments located in public rights-of-way.

- A. Signage.** Placement of signage, other than government placed signage including wayfinding signage, is prohibited on public rights-of-way except where permitted by Chapter 152 of the Village of Oakwood Zoning Code.
- B. Barriers.** Construction or maintenance of structures, fences, posts, barriers, or other decorative or preventative materials is prohibited on public rights-of-way.
- C. Personal Property.** The presence of unattended personal property in the right-of-way shall be prohibited.
  - 1. This includes but is not limited to the placement of the following on public rights-of-way:
    - a. Permanent or portable basketball hoops, soccer goals, or other sports equipment.
    - b. Driveway Approach Ramps.
    - c. Boulders, Rocks, and other hazardous landscaping material.
    - d. Mailboxes that do not meet standards required by the United States Postal Service (USPS) and as outlined herein.
    - e. The construction or placement of personal utility service lines that do not meet the standards outlined herein.
    - f. Objects that obstruct the flow of stormwater runoff.
    - g. Objects that create a hazard for the traveling public.
  - 2. Except otherwise authorized by this code, no person shall use any rights-of-way for the placement or storage of unattended personal property unless such person has obtained a permit pursuant to this code. Unauthorized unattended personal property on the rights-of-way shall be presumed abandoned and may be removed, disposed of or salvaged by the Village.
  - 3. If the unattended personal property belongs to the property owner, tenant, or former tenant, of the real estate immediately adjacent to the location of the unattended personal property, the owner of such adjacent real estate shall, upon notice from the Village, cause prompt removal of the unattended personal property and upon failure to do in the time frame indicated in the Village notice, the Village may remove the unattended personal property and file a lien for the reasonable costs of the removal.
- D. Lawn Sprinkler/Irrigation Systems.** Any construction, maintenance, and/or marking of personal lawn sprinkler or irrigation systems installed within or below the public rights-of-way is the sole responsibility of the owner of the property outside of the public right-of-way for which the personal lawn sprinkler or irrigation system serves.
  - 1. Any damage caused to the public right-of-way or public infrastructure by the placement of a personal lawn sprinkler or irrigation system will be the sole responsibility of the owner to pay for the cost to repair the damage.

2. The irrigation system owner is responsible for properly marking the system prior to construction work within the right-of-way. Any irrigation system that interferes with existing or proposed work within public right-of-way must be relocated as to not interfere. Relocation of interfering irrigation systems will be the sole responsibility and cost of the system owner.
3. The Village and any other entity authorized to do work within the right-of-way is not responsible for any damages done to or costs associated with any irrigation system that interferes with work within the public right-of-way.

**E. Fences.** The construction of personal property fences including electronic fences on, or below public rights-of-way is prohibited.

**F. Street Trees, Grass, Landscaping, and other Vegetation.**

1. **Street Trees.** Any person that desires to plant tree(s) within the right-of-way must first obtain a permit from the Village prior to planting. Any tree planted must comply with provisions within Chapter 94 Trees.
2. **Maintenance of Street Trees, Grass, Landscaping, and other Vegetation.** In accordance with Chapters 93 Public Nuisances and 94 Trees of the Code of Ordinances, plants, weeds, and trees within the right-of-way must be maintained by the adjacent property owner.
  - a. It is the responsibility of the adjacent property owner to maintain grass, trees, bushes, flowers, or other ornamental plants within the public right-of-way.
  - b. Plantings within the right-of-way shall not interfere with the visibility triangle for any roadway intersection. Any planting that interferes with the visibility at any intersection is hereby declared to be a nuisance.
  - c. It shall be unlawful for anyone to permit any weed, grass, or plant, other than trees, bushes, flowers, or other ornamental plant, to grow to a height exceeding 12 inches anywhere in the right-of-way. Any plant or weed exceeding this height is hereby declared to be a nuisance.
  - d. Mowing discharge from maintenance activities must be removed from sidewalks and streets in compliance with applicable Illinois State Laws - 415 ILCS 105 Litter Control Act.
  - e. Any tree or vegetation planted on private property and/or within the public right-of-way that encroaches or hangs over into the public right-of-way and interferes with a sidewalk or street is the responsibility of the adjacent property owner or the private property owner for where the offending vegetation is located to trim the vegetation back to provide an appropriate clearance next to and above the effected public infrastructure.
  - f. It's the responsibility of the adjacent property owner to remove or cut back any vegetation growing within the sidewalk joints or encroaching along sidewalk edges.
  - g. It shall be unlawful to spray, inject, or pour any chemicals on or near any trees, shrubs, grass or other vegetation in the right-of-way for the purpose of killing plantings to avoid maintenance responsibilities.

**G. Landscape Waste and Debris.**

1. Landscape waste and debris may only be placed in the right-of-way in accordance with the Village Landscape Waste Collection Programs outlined in Chapter 50 of this Code of Ordinances.
  2. Placement of grass clipping debris, tree limbs and similar landscape waste on the public right-of-way, sidewalk, roadway, ditch, or other public facility when not in compliance with Village Landscape Waste Collection Programs shall be declared a public nuisance. Abatement measures shall follow the required actions outlined in Chapter 93 of this Code of Ordinances.
- H. Sidewalk Snow Removal.** Snow removal for sidewalks within the public right-of-way shall be the responsibility of the owner of the property adjacent to the sidewalk.
- I. Parking.** Standing or parking a private vehicle in the public right-of-way, whether occupied or not, except momentarily to load or unload passengers shall be prohibited in the following locations:
1. On a sidewalk;
  2. Within 15 feet of a fire hydrant;
  3. Within 20 feet of a crosswalk at an intersection;
  4. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway; and/or
  5. At any place where official signs prohibit standing or parking.
  6. Within the parkway on an unimproved or grass surface.
- J. Mailboxes.** Mailboxes or cluster box units and supporting structures may be installed in public rights-of-way provided said mailbox and supporting structure is erected and located in accordance with the requirements of the United States Postal Service (USPS), does not interfere with on-street parking or, Village roadway maintenance, such as snow removal activities and snow hold areas and are subject to the following conditions:
1. All Mailboxes.
    - a. The owner of the mailbox shall be responsible for all costs for installation and maintenance of the mailbox and mailbox structure.
    - b. It shall be unlawful to install, maintain or connect utility lines to mailbox structures for any purpose. Residents should take all necessary precautions to prevent damage to any existing utilities located in the parkway.
    - c. Replacement of improperly installed or non-conforming mailboxes damaged during snow removal or other municipal work will be the responsibility of the property owner.
    - d. The Village will not repair or replace any damaged mailbox unless said damage was caused solely by the Village and unless said mailbox is considered conforming and was removed due to parkway maintenance, road widening or utility installation by the Village or its contractors.
    - e. Notice is hereby given that in the event of any claim, lawsuit, cause of action or liability against the Village arising out of any damage to persons or property caused by or alleged to be caused by any such mailbox and/or its supporting structure which has been installed in the public right-of-way, the Village shall seek indemnification, contribution and/or otherwise seek to recover its expenses

in defending any such action and/or damages suffered from the owner of the premises and/or any other party or parties responsible for installing such mailbox and/or structure in the public right-of-way.

- f. Reflective material should be placed on the side of the mailbox visible to approaching traffic.
2. Mailboxes and mailbox structures that hold up to four (4) individual mailboxes on one (1) supporting post.
    - a. Any location change of an existing mailbox or establishment of a new mailbox must be approved by the Village and by USPS.
    - b. No part of the structure on which the mailbox rests or which holds or supports it or the face of the mailbox shall be closer than eight inches (8") from the back of curb or if there is no curb the location shall be determined on a case-by-case basis and approved by the Village.
    - c. The supporting post shall be no closer than eighteen inches (18") from the back of a curb or edge of pavement (if there is no curb), and posts shall be constructed of materials having sufficient strength to withstand forces of snow applied during normal roadway snow plowing operations.
    - d. Mailbox supporting structures should be constructed of four-inch (4") by four-inch (4") wood posts or a two-inch (2") diameter thin wall steel pipe. Supporting structures that are more substantial in construction will be considered non-conforming hazardous fixed objects and are not permitted.
    - e. If a conforming mailbox is damaged during municipal work, it will be replaced with a model 1C or equivalent box and four-inch (4") by four-inch (4") wood post or a two-inch (2") diameter thin wall steel pipe support structure.
  3. Cluster Box Units (CBUs)
    - a. Cluster box units (CBUs) may be supported by a cluster box pedestal as approved by the USPS.
    - b. If a conforming CBU mailbox is damaged during municipal work, cluster box units will be replaced with the appropriate, compliant unit.
    - c. CBU mailbox locations must be approved by the Village, which could be part of an overall development plan for the area to be served by the CBU.
    - d. CBU mailboxes must be placed at least six (6) feet from a curb edge or street pavement (if there is no curb) and must be placed on the back side of a public sidewalk and not located between the sidewalk and the street pavement unless an alternative location is approved by the Village.
- K. Dumpster, Equipment and Construction Material Storage.** The placement and storage within the public right-of-way of a dumpster, portable storage container, and/or construction materials shall require a permit from the Village. The holder of a right-of-way storage permit for a dumpster, equipment, portable storage container and/or construction materials container shall comply with the following restrictions and requirements:
1. Only dumpsters, equipment, portable storage containers, or construction materials container identified in the permit shall be stored pursuant to said permit and only in the location identified on the permit.

2. Any dumpsters, equipment, portable storage containers, or construction materials stored pursuant to the permit shall be positioned in the right-of-way in a manner that maximizes the area on the right-of-way that will remain unobstructed for use by the public.
  3. Lids or doors on any stored dumpster or portable storage container shall remain closed and secure except when said dumpster or container is being loaded or emptied.
  4. No trash or other refuse shall be stored or allowed to remain outside of a dumpster or portable storage container, and the area immediately around the dumpster or containers shall be maintained in a clean and sanitary manner.
- L. Stormwater Discharge onto Public Property.** The purpose of this section is to regulate stormwater discharge onto public property. Any regulation outlined by this section shall be superseded by Chapter 51 of the Village of Oakwood Code if those requirements are more stringent than those outlined herein.
1. Discharges. Stormwater and groundwater discharges onto public right-of-way and direct connections to any public stormwater infrastructure are prohibited, as stated below, unless a permit is issued by the Village.
    - a. Sump pumps installed to receive or discharge groundwater or stormwater runoff shall be connected to a storm drain where possible or discharged into a designated stormwater drainage facility. No sump pump shall discharge directly onto a street surface or public sidewalk. Sump pumps are prohibited from discharging in any way that would cause water to flow onto any public sidewalks, roadways, or driveway approaches within the public right-of-way. No sump pump outlets shall be connected to or discharged into a sanitary sewer.
    - b. Footing drains and drainage tile lines shall discharge into a storm drain or other designated stormwater drainage facility. No footing drains or drainage tile lines shall be connected to a sanitary sewer or be discharged directly onto a roadway surface or public sidewalk.
    - c. Downspouts and roof drains shall discharge onto the ground outside of the public right-of-way or be connected to a storm drain. No downspouts or roof drains shall be connected to a sanitary sewer or be discharged directly onto a roadway surface or public sidewalk.
    - d. Sump pumps, footing drains, downspouts, and other dry weather water outlets shall discharge at a distance from the property line that is sufficient to allow for water absorption into the ground but not less than five (5) feet away from the nearest property line. Such outlets shall not discharge directly onto an adjacent property. If five (5) feet is not sufficient for proper water absorption, the offending property must remediate to a distance that will allow for proper absorption.
  2. Permit Required
    - a. No person shall hereafter construct, build, establish, replace, or maintain any dry weather water outlet which discharges onto a public right-of-way, public street, public sidewalk, roadside ditch, or other public property maintained by the Village without first obtaining a permit to do so. Dry weather water outlets are prohibited from discharging directly onto any public property, public right-of-way, public street, or public sidewalk if such discharge creates or contributes to a public hazard or public nuisance.
    - b. Failure to obtain a permit for a dry weather water outlet discharge onto a public roadway, public right-of-way, public sidewalk, or other public property shall be

deemed a violation of Chapter 51 Stormwater Management of the Village of Oakwood Code.

- M. Driveway Approaches.** Any person that desires to construct a driveway approach within the right-of-way must first obtain a permit from the Village prior to construction, replacement, or alteration of a driveway approach. All driveway approaches hereafter constructed, replaced, altered, established or maintained shall conform with applicable provisions of this chapter. Maintenance and installation of a driveway approach and the costs thereof shall be the responsibility of the owner of the property served by the driveway approach. The owner shall at all times maintain the driveway approach within and any culvert beneath the Village right-of-way in a reasonable condition which allows water to flow free and clear of obstruction. The Village may perform routine maintenance of the culvert beneath a driveway approach as needed and may request that the owner repair or replace any driveway approach that doesn't meet the requirements of this chapter. The replacement of any culvert beneath a driveway approach shall be the responsibility of the driveway owner at said owner's expense.
- N. Parking Spaces.** Any person that desires to construct, replace or alter a parking space within the right-of-way adjacent to their private property must first obtain a permit from the Village prior to construction, replacement, or alteration of a parking space. A detailed plan including construction plans for installation of a parking space within the public right-of-way must be submitted with any permit request. Any permit issued is at the sole discretion of the Village and information submitted with a permit request will be reviewed for safety and community need. Any constructed parking space is for public use only.
- O. General Construction and Excavation.** 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 most recent IDOT publications, as amended from time to time.
1. Permit Required. No person shall hereafter construct, build, establish, modify, or replace a driveway, approach, sidewalk, culvert, or utility in a street or alley right-of-way maintained by the Village without first obtaining a permit to do so, as hereinafter provided. Residents or entities may obtain the application and permit forms for construction and excavation in public rights-of-way from the Village. Completed applications shall be submitted to the Village, along with a nonrefundable fee for processing and construction inspection. Fees shall be as determined from time to time by the Village Board of Trustees.
    - a. Upon review of the permit application, the Building Inspector shall determine whether the proposed construction conforms to the requirements of any relevant ordinance(s), Village codes and regulations. If it does, the Building Inspector shall issue the permit for construction. If the proposed construction does not conform to the requirements, the Building Inspector shall deny issuance of the permit. If approval is denied, the applicant may appeal to the corporate authorities for a deviation to the decision of the Building Inspector.
    - b. The corporate authorities may vary or adapt the strict application of any of the requirements of this chapter where the strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land.

- P. **Utilities.** Utilities on, over, above, along, upon, under, across, or within the Village controlled rights-of-way shall conform with regulations set forth in this Chapter.
- Q. **Utility Service Lines.** All utility service lines within the public right-of-way shall be owned, operated, and maintained by the utility. Privately owned utility service lines located within the public right-of-way are prohibited.
- R. **Small Wireless Facilities.** Any person constructing, building, establishing, replacing, or maintaining a small wireless facility in a public right-of-way maintained by the Village shall comply with the regulations set forth in Chapter 96 of this Code of Ordinances.
- S. **Special Events.** Any Special Event shall comply with the regulations set forth in Chapter 97 of the Village of Oakwood, Code.
- T. **Outdoor dining, seating, or retail sales.** Any person that desires to establish outdoor dining, seating, or retail sales that are associated with an adjacent business which would be located on or partially on any part of the public right-of-way must first obtain a permit from the Village to do so. A detailed plan for use of the public right-of-way must be submitted with any permit request. Any permit issued is at the sole discretion of the Village and information submitted with a permit request will be reviewed for safety and community need. The permit may also limit the duration of the use of the public right-of-way and may require periodic renewal based on seasonal needs.
- U. **Mobile Food Vendors and Food Trucks.** Any person that desires to operate as a mobile food vendor while on the public right-of-way must first obtain a permit from the Village to do so. Any request will be reviewed based on any established Mobile Food Vendor Program guidelines and any permit issued is at the sole discretion of the Village.
- V. **Glare and Light Trespass.** Any lighting installed on adjacent private property should be installed to minimized glare and excessive light trespass within the public right-of-way. At the sole discretion of the Village a request may be made to any owner of installed lighting which is determined to cause glare and excessive light trespass, to remove, discontinued use or alter existing lighting to eliminate the glare and excessive light trespass on to public right-of-way.

#### **241.011 Agreements, Registration, Status Changes, and Insurance**

- A. **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 chapter.
  - 1. In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- B. **Annual Registration Required.** Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Village, providing the utility's name, address and regular business telephone and telecopy numbers, email contact, 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 twenty-four (24) hour telephone number and email contact for each such person. Evidence of insurance as required in this chapter, in the form of a certificate of insurance shall also be required.



### C. Change of Ownership or Owner's Identity or Legal Status

1. 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 applicable laws, ordinances, rules, and regulations, including this chapter, with respect to the work and facilities in the right-of-way.
2. 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.
3. Insurance and Bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

### D. Insurance

1. 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 insureds on the policies listed in this chapter:
  - a. 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:
    1. One million dollars (\$1,000,000.00) for bodily injury or death to each person;
    2. One million dollars (\$1,000,000.00) for property damage resulting from any one accident; and
    3. Two million dollars (\$2,000,000.00) for all other types of liability.
  - b. Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars (\$1,000,000.00) for personal injury and property damage for each accident;
  - c. Workers' compensation with statutory limits; and
  - d. Employer's liability insurance with limits of not less than one million dollars (\$1,000,000.00) per employee and per accident.
2. Contractors / Subcontractors. If the utility has retained the services of a contractor to perform work upon the utility's facilities with Village public right-of-way, the contractor shall also provide insurance that is at least as broad as the as the required coverage for the utility.
3. Excess or Umbrella Policies. The coverages required by this chapter 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.

4. Copies Required. The utility and its contractors shall provide copies of any of the policies required by this chapter to the Village within ten (10) calendar days following receipt of a written request from the Village. Work within Village right-of-way shall be suspended until evidence of proper coverage has been provided to the Village.
5. Maintenance and Renewal of Required Coverages. The insurance policies required by this chapter 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 forty-five (45) days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village Administrator 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 chapter. No work shall be performed upon Village right-of-way without insurance in effect.

6. Effect of 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 required by this chapter shall not be limited by such insurance policies or by the recovery of any amounts thereunder.
  7. Insurance Companies. All insurance provided pursuant to this chapter shall be affected 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.
- E. **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 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 chapter 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 negligence, misconduct or breach of this chapter by the Village, its officials, officers, employees, agents or representatives.

#### **241.012 Permit Required, Applications and Fees**

- A. **Permit Required.** No utility, entity, or person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any Village right-of-way as listed below without first filing an application with the Village, paying any applicable application fee as determined from time to time by resolution of the Village Board of

Trustees and obtaining a permit from the Village therefor, except as otherwise provided in this chapter.

1. Changes the location of the facility;
  2. Installs or alters a service line;
  3. Adds a new facility;
  4. Disrupts the right-of-way (as defined in this chapter);
  5. Obstructs and/or encroaches into the right-of-way (as defined by this chapter); or
  6. Materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way.
- B. **Permit Application.** All applications for permits pursuant to this chapter shall be filed on a form provided by the Village. 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.
1. **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:
    - a. The utility's name and address, telephone number and email address;
    - b. The applicant's name, address, telephone number and e-mail address, and its interest in the work;
    - c. The name, address, telephone number and e-mail address of all professional consultants, if any, advising the applicant with respect to the work within the right-of-way;
    - d. A general description of the proposed work, purpose, intent and use of the facility, with special emphasis on the impact to the right-of-way by the proposed work;
    - e. Evidence that the applicant has placed on file with the Village 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 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 ICC regulations for emergency contingency plans constitutes compliance with this chapter unless the Village finds that additional information or assurances are needed;
    - f. 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;
    - g. Evidence of insurance as required in this chapter;
    - h. Evidence of performance guarantee posting as required in this chapter;
    - i. Proposed landscape screening plan per requirements in this chapter;

- j. A written request for any deviation from one or more provisions of this chapter; and
  - k. Any additional information as may be reasonably required by the Village.
2. Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements previously outline in this chapter, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:
- a. Electric power, communications, telecommunications, cable television service, video service or natural gas distribution system. Must provide 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 ICC or other jurisdictional authority;
  - b. Natural gas systems. Must provide the proposed pipe size, design, construction class, and operating pressures;
  - c. Water lines. Must indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
  - d. Sanitary Sewer lines. Must indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control have been satisfied; or
  - e. Petroleum products pipelines. Must provide the type(s) of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
  - f. Disturbance of more than 1.0 acres of right-of-way. Must indicate that a NPDES Erosion Control Permit has been acquired from the IEPA.
3. Village Standards. The Village standards for repair of Village right-of-way, roadways and facilities disturbed by any utility activities are as set forth in the Village Infrastructure Design Manual, latest edition.

**C. Applicant's Duty to Update Information.**

- 1. 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 applicant in writing to the Village for review and Village approval two (2) business days prior to any work effected by the amendment.
- 2. In the event that the 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.
  - a. The revised drawings or plans shall specifically identify where the locations of the facilities deviate from the locations approved in the permit.
  - b. If any deviation from the permit also deviates from the requirements of this chapter, it shall be treated as a request for deviation in accordance with this chapter. If the Village denies the request for a variance, then the permittee shall modify the facility so that it conforms to the requirements of this chapter and submit revised drawings or plans.

- D. Reimbursement of Fees by Applicant.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this chapter shall be charged an application fee. However, in the event the Village determines that engineering or other

outside review of the application is necessary due to the size, scope, complexity of the proposed project from review of the application and submittal documents, or if it involves or impacts storm water management facilities or conflicts with other existing utilities, the Village may forward the permit application and the drawings, plans and specifications to the Village Engineer's office, and/or other outside consultants for review and if the Village Engineer deems it necessary, for field observation and inspection of the work. The applicant shall be responsible to reimburse the Village for all of its out of pocket expenses in reviewing applications and submittal documents, including, but not limited to, design documents and for field observation fees charged to the Village by the Village Engineer's office, and/or other outside consultants, if any, charged to the Village and billed at their usual and customary rates charged municipalities for similar services in assisting the Village in reviewing permit applications under this chapter. No application fee or additional review fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

**E. Village Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Village within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Village shall reject such application in writing, stating the reasons therefor. If the Village is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the Village 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 Village, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.

1. Telecommunications Retailers. Additional Village Review of Applications

- a. Pursuant to Chapter 4 of the Telephone Company Act, 220 Illinois Compiled Statutes 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this chapter 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 Village shall specify the portion of the right-of-way upon which the facility may be placed, used, and constructed.
- b. In the event that the Village 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 chapter.
- c. Upon the provision of such specification by the Village, where a permit is required for work pursuant to this chapter, 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 this chapter.

2. Holders of State Authorization Under the Cable and Video Competition Law of 2007. Additional Village Review of 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.
- F. Effect of Permit. 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 chapter on Village rights-of-way and 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 rights-of-way.
1. **Duration.** No permit issued under this chapter 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.
  2. **Preconstruction Meeting Required.** No construction shall begin pursuant to a permit issued under this chapter 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.
  3. **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 applicable statutes, laws, ordinances, rules, and regulations of other jurisdictions having authority.
  4. **Deviations.** Unless a deviation request is granted, all permitted work within the right-of-way shall comply with the requirements of this chapter. All non-compliant facilities shall either be removed from the right-of-way or modified so the facility is compliant.
  5. **Inspections.** Required inspections will be determined by the Village and communicated as part of the permit application approval. For any required inspection and when construction is complete, the applicant shall notify the Village that the work is ready for inspection. The inspection will be conducted by the Village. Should the work be found unacceptable, the applicant shall have 30 days within which to upgrade the construction to meet the requirements of this chapter. If, at the end of that time, the work is still unacceptable, the Village may complete the work and the applicant and/or owner shall reimburse the Village for costs incurred.
- 6. Permit Close Out.**
- a. **Completion of Permitted Work.** When the work is completed the permit holder shall provide the Village a complete set of as built plans with depth information in the form of shape files with z data or PDF drawn to scale. The data should be georeferenced to the NAD\_1983\_StatePlane\_Illinois\_East\_FIPS\_1201\_Feet.
  - b. **Punch List Inspection.** Upon receipt of as-built plans, the Village shall inspect the completed work for compliance with this chapter within ten (10) days thereafter the

permit holder shall complete, modify, repair, replace all non-compliant work identified by the Village.

#### **G. Security**

1. Purpose. The permittee shall establish a performance guarantee in a form and in an amount as set forth in this chapter. The performance guarantee shall be continuously maintained in accordance with this chapter at the permittee's sole cost and expense until the completion of the work authorized under the permit. The performance guarantee shall serve as security for:
  - a. The faithful performance by the permittee of all the requirements of this chapter;
  - b. 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 chapter; and
  - c. 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 chapter including, without limitation, any damage to public property or restoration work the permittee is required by this chapter 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 chapter or any other applicable law.
2. Form. The permittee shall provide the performance guarantee to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village attorney, or an unconditional letter of credit in a form acceptable to the Village attorney. The permittee shall be required to deliver documents and other evidence to the Village attorney evidencing that the issuing surety, bank, or financial institution meets the minimum requirements set forth in this chapter. Any surety bond or letter of credit provided pursuant to this subchapter shall, at a minimum:
  - a. Provide that it will not be canceled without forty-five (45) day prior notice to the Village and the permittee;
  - b. Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
  - c. Shall provide a location convenient to the Village and within the state of Illinois at which it can be drawn.
3. Amount. The dollar amount of the performance guarantee shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way and all public improvements to at least as good a condition as that existing prior to the construction under the permit. The amount of the performance guarantee shall also include the estimated cost to screen facilities greater than forty inches (40") in height with vegetative landscaping and to maintain and replace any failed landscaping for a period of two (2) years (the "2-year maintenance period"), as determined by the Village, 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 Village 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 performance guarantee for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subchapter for any single phase.

4. Withdrawals. The Village, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subchapter, may withdraw an amount from the performance guarantee, 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:
  - a. Fails to make any payment required to be made by the permittee hereunder;
  - b. Fails to pay any liens relating to the facilities that are due and unpaid;
  - c. 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 nonperformance by the permittee; or
  - d. Fails to comply with any provision of this chapter that the Village determines can be remedied by an expenditure of an amount within the limits of the performance guarantee.
5. Replenishment. Within fourteen (14) days after receipt of written notice from the Village that any amount has been withdrawn from the performance guarantee, the permittee shall restore the performance guarantee to the amount specified in this chapter.
6. Rights Not Limited. The rights reserved to the Village with respect to the performance guarantee are in addition to all other rights of the Village, whether reserved by this chapter 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.
7. Suitability of Security. In the event the permittee elects to post a surety bond as its security fund, the bond shall be issued by a surety company or insurance company authorized by the Illinois Department of Insurance to issue sureties in the state of Illinois. In the event the permittee elects to post an irrevocable letter of credit from a bank or savings and loan association as its security fund, the issuing bank or savings and loan association shall be federally insured and shall have assets of not less than fifty million dollars (\$50,000,000.00) and a capital asset ratio of not less than six percent (6%) unless the corporate authorities otherwise determine and deem it good and sufficient security.
8. Security Not Required. The Village may determine that it is unnecessary to provide security for certain projects. It is at the Village's sole discretion to determine when Security is required.

#### **H. Permit Suspension, Enforcement and Revocation**

1. Village Right to Revoke Permit. The Village may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:
  - a. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
  - b. Noncompliance with this chapter;



- c. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare;
    - d. Permittee's failure to construct the facilities substantially in accordance with the terms of the permit and approved plans; or
    - e. Unexpected or excessive collateral damage to public improvements.
  2. Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this chapter. The revocation is effective immediately upon receipt by the offending entity. The revocation intent notice shall state the reason or reasons for the revocation or suspension and the alternatives available to permittee under this chapter.
  3. 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:
    - a. Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
    - b. 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
    - c. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the 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.
  4. Extension of Time Period. The Village may, in its discretion, for good cause shown, extend the time periods provided in this chapter.
  5. 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 this chapter. Work shall not be resumed after the issuance of a stop work order except on the written permission of the Village. If the stop order is oral, it shall be followed by a written stop order.
  6. Failure or Refusal of The Permittee to Comply. The permittee shall be liable in all events to the Village for all costs of removal. If the permittee fails to comply with the provisions of this chapter, the Village at the option of the Village may:
    - a. Correct the deficiencies;
    - b. Upon not less than twenty (20) days' notice to the permittee, remove the subject property, facilities or equipment; or
    - c. After not less than thirty (30) days' notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the Village.
  7. Enforcement actions. The Village may serve notice requiring removal of any facility, obstruction, or encroachment within Village right-of-way which is in violation of this chapter. This notice may be served on the owner or authorized agent, a tenant, architect, builder, contractor or other person who commits or participates in any violation. The Village may request that the Village Attorney institute legal proceedings necessary to enforce this chapter or to prevent or remedy any violations thereof. The Village may

also request the assistance of the Village Police in enforcing this chapter. The owner or tenant of any structure, premises or part thereof and any architect, builder, contractor, agent or other person who commits, participates or assists in or maintains any violation may each be found guilty of a separate offense and subjected to the penalties outlined in this chapter.

#### **241.013 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 applicable IDOT publications, as amended from time to time.
- B. **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this chapter, the Village shall determine, in the exercise of sound engineering judgment, which principles apply, and such decision shall be final. If requested, the Village, shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.
- C. **Traffic Control**
  - 1. **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.
  - 2. **Warning Signs, Protective Devices, and Flaggers.** The utility is responsible for providing and installing warning signs, protective devices, and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.
  - 3. **Interference with Traffic.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
  - 4. **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 this chapter, the utility shall provide such notice as is practicable under the circumstances.
  - 5. **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.
- D. **Location of Facilities**
  - 1. **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all facilities, regardless of type, shall be subject to the general location requirements of this subchapter.
    - a. **No Interference with Village Facilities:** No facilities shall be placed in any location if the Village determines that the proposed location will require the relocation or displacement of any of the Village's public improvements or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
    - b. **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.

- c. No Interference with Travel: No facility shall be placed in any location that interferes with the usual travel on such right-of-way.
  - d. No Limitations on Visibility: No facility shall be placed in the vision triangle at an intersection or at any location so as to limit visibility of or by users of the right-of-way.
  - e. 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 application.
  - f. No Interference with Drainage: No facilities shall be placed in any location that results in a blockage or disruption of stormwater drainage runoff.
  - g. Underground utility lines shall comply with the minimum bury depths established by the NFPA, NEC or applicable regulatory agency.
  - h. All utility lines carrying potential contaminants shall be located not less than two (2.0) feet below a Village water line or water service line, unless other protective measures are implemented.
2. Parallel Facilities Located Within Street Rights-of-way
- a. Overhead Parallel Facilities: An overhead parallel facility may be located within the right-of-way lines of a highway only if:
    - 1. Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
    - 2. Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (2') (0.6 m) behind the face of the curb, where available;
    - 3. Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (4') (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone as defined by IDOT;
    - 4. No pole is located in the ditch line of a highway; and
    - 5. Any ground mounted appurtenance is located within one foot (1') (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.
  - b. Underground Parallel Facilities: An underground parallel facility may be located within the right-of-way lines of a Village street only if:
    - 1. The facility is located as near the right-of-way line as practicable and not more than eight feet (8') (2.4 m) from and parallel to the right-of-way line;
    - 2. A new facility may be located under the paved portion of a Village street 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
    - 3. 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 not more than five feet (5') (1.5 m) from the right-of-way line and any above ground

appurtenance shall be located within one foot (1') (0.3 m) of the right-of-way line or as near as practicable.

3. Facilities Crossing Streets
  - a. No Future Disruption: The construction and design of crossing facilities installed between the ditch lines or curb lines of Village streets 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.
  - b. Culverts or Drainage Facilities: Crossing facilities shall not be located inside culverts or drainage facilities.
  - c. Ninety Degree Crossing Required: Crossing facilities shall cross at or as near to a ninety-degree (90°) angle to the centerline of the street pavement as practicable.
  - d. Overhead Power or Communication Facility: An overhead power or communication facility may cross a highway only if:
    1. It has a minimum vertical line clearance as required by ICC's rules entitled, "construction of electric power and communication lines";
    2. Poles are located within one foot (1') (0.3 m) of the right-of-way line of the highway and outside of the clear zone as defined by IDOT; and
    3. Overhead crossings at major intersections are avoided.
  - e. Underground Power or Communication Facility: An underground power or communication facility may cross a Village street only if:
    1. The design materials and construction methods will provide maximum maintenance free service life; and
    2. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
  - f. Markers: The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current federal regulations.
4. Facilities to Be Located Within Particular Rights-of-Way. The Village may require that facilities be located within public utility easements that are not street right-of-way when such a location is consistent with the best interest of the Village.
5. Freestanding Facilities
  - a. The Village may restrict the location and size of any freestanding facility located within a right-of-way.
  - b. The Village may require any freestanding facility greater than forty inches (40") in height and having any side greater than forty inches (40") in width and/or depth located within a right-of-way to be screened from view with evergreen vegetative landscaping such as *Techny arborvitae*, Austrian spruce, Norway spruce, and as determined by the Village after taking into account and depending upon the suitability of the available space surrounding the freestanding facility, the terrain,

slope, location, access, surrounding uses, safety, aesthetic and ongoing maintenance requirements and costs.

- c. Freestanding facilities greater than 24 inches in height shall not be located within the visibility triangle of any street intersection or within the visibility triangle of any driveway approach serving a multi-family, commercial, or industrial use and the Village street.
6. Facilities Installed Aboveground. Aboveground facilities may be installed only if:
    - a. No other existing facilities in the area are located underground;
    - b. New underground installation is not technically feasible; and
    - c. 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 strongly discouraged.
  7. Facility Attachments to Bridges or Roadway Structures:
    - a. Where practical, facilities may be installed as attachments to bridges or roadway structures. Other means of construction may include, but are not limited to, underground, underwater, and cable 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 on bridges.
      1. Attachment devices shall be made of metal.
      2. Conduit all utilities shall be in encased in metal conduit or appropriate equivalent to prevent sagging. Alternative conduit must be approved by the Village.
      3. If sagging occurs the Village reserves the right to cause the utility that installed or currently owns it to replace with better material.
    - b. 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:
      1. 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;
      2. The type, length, value, and relative importance of the highway structure in the transportation system;
      3. The alternative routings available to the utility and their comparative practicability;
      4. The proposed method of attachment;
      5. The ability of the structure to bear the increased load of the proposed facility;

6. The degree of interference with bridge maintenance and painting;
  7. The effect on the visual quality of the structure; and
  8. The public benefit expected from the utility service as compared to the risk involved.
8. Appearance Standards
- a. The Village may prohibit the installation of facilities in locations in order to preserve visual quality.
  - b. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

**E. Construction Methods and Materials.**

1. Standards and Requirements for Particular Types of Construction Methods are as follows:
  - a. Boring or Jacking:
    - i. Pits and Shoring: Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village from the edge of the pavement. Pits for boring or jacking shall be excavated no more than forty-eight (48) hours in advance of boring or jacking operations and backfilled within forty-eight (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.
    - ii. Wet Boring: Wet boring shall not be permitted under the roadway or pavement.
    - iii. Borings with Diameters Greater Than Five Inches. Borings over five inches (5") (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 (1") (25 mm).
    - iv. Borings with Diameters Five Inches or Less. Shall not be allowed within established neighborhoods.
    - v. Conduits, casings, carrier pipes 6 inches in diameter or smaller shall generally be constructed via horizontal directional drilling or microtunneling within existing neighborhoods. Extensive open cut trench installation for small diameter utility lines shall normally not be permitted within established neighborhoods but is allowed in areas of new development.
    - vi. Tree Preservation: Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be placed under or around the root system.
  - b. Trenching: Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accordance with the applicable provisions of Section 20 of the Standard Specifications for Water & Sewer Construction in Illinois and article 810.04 of the IDOT Standard Specifications for Road & Bridge Construction.

- i. Length: The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe/line testing. Only one-half ( $1/2$ ) of any intersection may have an open trench at any time unless special permission is obtained from the Village.
    - ii. 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 placed or 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-site location for temporary storage.
    - iii. Drip Line of Trees: The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
  - c. Backfilling:
    - i. 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". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
    - ii. For a period of 18 months 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 Village, 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 Village.
    - iii. Jetting of backfill within excavated areas shall not be allowed. Mechanical compaction shall be required within all Village right-of-way.
  - d. Pavement Cuts: Pavement cuts for facility installation or repair shall be permitted on a Village street only if that portion of the street is closed to traffic. If a deviation to the limitation set forth herein is permitted under this chapter, the following requirements shall apply:
    - i. Controlled low strength material (CLSM) shall be utilized under all Village of Oakwood street pavements having an average daily traffic flow of 150 vehicles or more.
    - ii. All pavement removal shall be accomplished via full depth saw cutting. Restoration of pavement shall be accomplished as soon as practicable. Permanent restoration is encouraged at the time of the cut. Temporary repair of the pavement with cold mix asphalt shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt immediately upon notification by the Village that a failure has occurred.
    - iii. For all rights-of-way which have been reconstructed with a concrete surface/base or full-depth hot mix asphalt 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 JULIE locate.

- iv. Bituminous surface and hot mix asphalt surface pavements shall be repaired with not less than 10-inch thickness full depth hot mix asphalt.
- v. Portland Cement Concrete pavements shall be repaired with not less than 7-inch thickness High Early Strength Portland Cement Concrete, tied to adjacent pavement with minimum 30 inch by #4 epoxy coated tie bars, drilled and grouted, at 30 inch centers.

e. Encasement:

- i. Encasement of a utility line may be required when crossing arterial and collector streets as determined on a case by case basis by the Village Engineer.
- ii. Casing pipe shall be designed to withstand the load of the street 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.
- iii. Water service lines installed under roadway pavements shall utilize horizontal directional drilling construction methods unless otherwise approved by the Village.
- iv. In the case of gas pipelines or petroleum products pipelines with installations of more than sixty (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. 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:

Type of Facility	Minimum Cover
Telecommunication lines	24 inches (0.6 m)
Storm sewer or drainage line	24 inches (0.6 m)
Electric lines	30 inches (0.8 m)
Gas or petroleum products	42 inches (1.1 m)
Water line	48 inches (1.2 m)
Sanitary sewer	60 inches (1.5 m)

2. Standards and Requirements for Particular Types of Facilities

a. Electric Power or Communication Lines:

- i. 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 Illinois Administrative Code part 305 (formerly general order 160 of the Illinois commerce commission) entitled "rules for construction of electric power and communication lines", and the National Electrical Safety Code.
- ii. Overhead Facilities: Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles by multiple



utilities shall be required. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Deviations may be allowed if there is no feasible alternative and if guywires are equipped with guy guards for maximum visibility.

iii. Underground Facilities:

- a) Cable may be installed by trenching or plowing within new development areas. Cable may be installed by trenching or plowing only in limited circumstances within existing neighborhoods. Horizontal directional drilling or microtunneling shall normally be utilized within existing neighborhoods in order to minimize damage when crossing improved entrances and side roads.
- b) If a crossing is installed by boring and jacking, encasement shall be provided between jacking or bore pits and beneath all existing pavements. Encasement may be eliminated only if: a) the installation is by horizontal directional drilling or microtunneling, or b) the installation is by the open trench method which is only permitted prior to roadway pavement construction.
- c) Cable shall be grounded in accordance with the National Electrical Safety Code.

iv. Burial of Service Lines: All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snow drops, shall be buried by May 1 of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary and permanent service lines, excluding snow drops, within ten (10) business days after placement.

- b. 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 chapter 192), IDOT's "Standard Specifications For Road And Bridge Construction", and all other applicable laws, rules, and regulations.
- c. Petroleum Products Pipelines: Petroleum products pipelines within rights-of-way shall conform to the applicable chapters of ANSI standard code for pressure piping (liquid petroleum transportation piping systems ANSI-B 31.4).
- d. Water Lines, Sanitary Sewer Lines, or Storm Water Drain Lines: Water lines, sanitary sewer lines, and storm drain lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois".
- e. Ground Mounted Appurtenances: Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation free area extending one foot (1') (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 Village. With the approval of the Village, 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.

- f. Driveway Approaches: Driveway approaches within a right-of-way shall be installed according to the following design standards and construction specifications.

i. Design Standards:

- a) Single- and Two-Family Residential property driveway approaches:

At Private Property Line		At Street Curb / Pavement Edge		Entrance Radius	Distance from property line extended(1)(3)
Minimum Width	Maximum Width(2)	Minimum Width	Maximum Width(2)	Minimum	Minimum
10ft	28ft	10ft	24ft	None	Same as the minimum setback for the main structure as required by the served property zoning

1. A minimum distance is required from any part of the driveway approach and the property line extended through the public right-of-way except when a driveway approach is shared to serve adjacent properties. Shared driveway approaches may be a maximum of 44 feet wide at both the private property line and the street curb / pavement edge.
2. A driveway approach width cannot exceed 50 percent of the lot frontage along the street for which the driveway approach accesses.
3. The Village Engineer may authorize a minimum separation distance that is less for driveway approaches located in cul-de-sacs or when other site or roadway conditions warrant a reduction in driveway approach separation.

- b) All other driveway approaches including Multiple-Family Residential, Commercial, Industrial, Conservation, and Agricultural: Must be approved by the Village as part of site development plan review when applicable or must be approved on an individual basis. A proposed driveway approach will be reviewed based the intended use of the land.

ii. Construction Specifications: Driveway approach surface within street right-of-way must be installed over a compacted subgrade as follows:

- a) Compacted Crushed Stone Base: Ca.7 crushed stone or equivalent as approved by the Village, minimum thickness: six inches;
- b) Preferred Surface Material. Portland cement concrete, minimum thickness: six inches; and

- c) **Alternative Surface Material.** Bituminous concrete or other material: Any use of bituminous concrete or other material must be approved by the Village. When bituminous concrete is approved, installation must be three to four inch minimum thickness of bituminous concrete surface, constructed over a six (6) inch compacted crushed stone base. Any other approved material and related construction must be approved by the Village.
  - d) **Side slopes:** maximum: three horizontal, one vertical.
  - e) **Driveway approaches** shall be formed and poured separately from driveway, sidewalk, curb or road edge via ½" expansion joint material or other approved method or material.
  - f) The finished grade of the driveway approach edge which meets the roadway curb, roadway surface and sidewalk shall be level with the adjacent roadway surface, roadway curb or sidewalk.
- iii. **Drainage and Culvert Requirements:** In no event shall any driveway interfere with the existing drainage along and upon the right-of-way. In all cases where the driveway or proposed driveway does or may interfere with the existing drainage with the right-of-way, culverts shall be installed in accordance with the following specifications.
- a) **Minimum diameter:** 12 inches; larger culverts may be required by the Village for a specific location to provide adequate drainage. The total cost of the required culvert is the responsibility of the owner. The Village may allow smaller culverts if it can be shown that a smaller culvert is sufficient for current and future anticipated flows.
  - b) **Piping materials** may be of the following:
    - 1. Galvanized, corrugated steel pipe; minimum gauge: 16;
    - 2. Aluminum alloy pipe; minimum gauge: 16;
    - 3. Reinforced concrete sewer and culvert pipe which is properly joined;
    - 4. Corrugated outside/smooth inside polyethylene culvert pipe; and
    - 5. Other materials approved by the Village.
  - c) **Flow line** of the culvert shall match the flow line of the ditch unless requested by the Village to be lowered to accommodate existing conditions and future grading and cleaning. Prior to installation of the culvert pipe, the ditch shall be graded and shaped as designed or as approved by the Village. The Village may direct that the flow line of the culvert be placed below the flow line of the existing ditch to allow for future grading and cleaning of existing ditches.
  - d) **Culvert length**, excluding any end treatments, shall extend at least one foot beyond the driveway approach surface material but in no case shall be less than 12 feet in length. Any end treatment or culvert pipe end section shall extend beyond the intersection of the driveway side slopes and the flow line of the ditch.

- e) Unless site conditions warrant a different design, a minimum of one-half inch of cover excluding the required surface material shall be required over the culvert pipe.
  - f) All culverts shall be installed with proper end sections that fit the side slope of the ditch. End section material must match the material of the culvert pipe installed and shall be securely fastened to the pipe or placed in a manner to prevent settlement or collapse and/or blockage of flow. The end of the pipe shall be of the same cross-sectional shape as the interior of the pipe and shall not be dented or bent so as to reduce the pipe diameter, width or height at the location by more than 4% (one-half-inch in 12 inches). Pipes failing this requirement will have to be removed and replaced prior to driveway construction. The use of alternative end treatments such as headwalls or sloped walls shall be approved by the Village. Some end treatments may not be allowed in areas of high traffic, deep ditches or where existing conditions prohibit.
- iv. Sidewalks: Sidewalks through all driveway approaches shall be a minimum of six inches thick Portland Cement concrete and shall be constructed in accordance with the Village Subdivision Ordinance. Where new driveway approaches are constructed adjacent to existing sidewalks, any sidewalk not in conformance with this section shall be removed and replaced and the sidewalk width shall match the adjacent existing sidewalk. Driveway approaches shall be formed and poured separately from sidewalks.
  - v. No Village Guarantee: While requiring minimum standards for driveway approach and culvert construction, the Village does not guarantee that these minimum standards are adequate for the intended use of the improvements.
  - vi. The Village reserves the right to deny direct driveway approach access to any right-of-way within the Village. Any property with multiple right-of-way frontages may be required to have access off of an alley, secondary frontage or off of the right-of-way frontage with the lowest roadway classification.

### 3. Materials

- a. 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 "Standard Specifications for Road and Bridge Construction", the Standard Specification for Water and Sewer Construction in Illinois, the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry / utility.
- b. Material Storage on Right-of-way: No material shall be stored on the right-of-way without the prior written approval of the Village. When such storage is permitted, 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 which does not create 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.

- c. **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.
4. **Operational Restrictions.** 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. These restrictions may be waived by the Village when emergency work is required to restore vital utility services.
5. **Location of Existing Facilities.** Any utility proposing to construct facilities within the Village shall contact JULIE 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 JULIE, a utility shall locate and physically mark its underground facilities including service lines within forty-eight (48) hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act.

#### **241.014 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 terms with the Village as permitted by law. The electric utility shall provide appropriate traffic control per MUTCD. The electric utility shall not disrupt or obstruct the right-of-way.
- 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 chapter.
  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.
- C. **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.
- D. **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 and methods.

**E. Chemical Use.**

1. Except as provided in the following subchapter, 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 Village that such spraying is the only practicable method of vegetation control.

**241.015 Removal, Relocation, or Modifications of Utility Facilities**

- A. **Notice.** Within sixty (60) days following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, 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 rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the 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 chapter; 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 municipality 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 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 Village Administrator 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 abandoned the facility to remove it, by giving notice of abandonment to the Village, 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.

#### **156.016 Cleanup and Restoration.**

- A. The permittee shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights-of-way are disturbed, damaged, or destroyed due to construction or maintenance by the Permittee, all to the satisfaction of the Village. The time period provided in this chapter may be extended by the Village for good cause shown.
- B. Restoration of entrances and side roads is required. Restoration of roadway surfaces shall be made using materials and methods approved by the Village and as set forth in the Village Infrastructure Design Manual and associated detail drawings.
- C. 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 the installation of vegetative landscape screening if required under the provisions of this chapter.
- D. All public improvements shall be fully and completely restored. When grass areas are disturbed the applicant or their agent shall do the following for restoration of grass:
  - 1. Initial grading. Remove or break down all large clods sufficiently enough to avoid trip or other hazards.
  - 2. Final grading. Remove or break down clumps of dirt sufficiently for planting, hand rake the dirt out, apply seed starter, sow grass seed, place a biodegradable straw mat and secure with biodegradable pins, and then water the area sufficiently to begin germination.

#### **241.017 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 Village 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 a description of the repairs undertaken in the right-of-way within forty-eight (48) hours after an emergency repair.

#### **241.018 Deviations, Exceptions or Relief**

- A. Request for Deviation. A utility or applicant requesting a deviation from one or more of the provisions of this chapter must do so in writing to the Village as a part of the permit application. The request shall identify each provision of this chapter from which a deviation is requested and the reasons why a deviation should be granted.
- B. Authority to Grant Deviations. The Village shall decide whether a deviation is authorized for each provision of this chapter identified in the deviation request on an individual basis.
- C. Conditions for Granting of Deviation. The Village may authorize a deviation only if the utility or applicant requesting the deviation has demonstrated that:
  - 1. One or more conditions not under the control of the utility or applicant (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 deviation is requested are impracticable in relation to the requested approach.
- D. Additional Conditions for Granting of a Deviation. As a condition for authorizing a deviation, the Village may require the utility or applicant requesting the deviation to meet reasonable standards and conditions that may or may not be expressly contained within this chapter, but which carry out the purposes of this chapter.
- E. Right to Appeal. Any utility or applicant aggrieved by any order, requirement, decision, or determination, including denial of a deviation, made by the Village under the provisions of this chapter shall have the right to appeal to the Village Board of Trustees. The application for appeal shall be submitted in writing to the Village Clerk within thirty (30) days after the date of such order, requirement, decision, or determination. The Village Board of Trustees shall commence their consideration of the appeal within twenty-one (21) days after the filing of the appeal. The Village Board of Trustees shall on a timely basis decide the appeal.

#### **241.019 Requirements to Repair or Remove**

- A. Any person performing any act that is in violation of the provisions of this chapter which damages Village infrastructure or public improvements shall immediately notify the Village of the location and extent of the damages.
- B. A person who damages Village infrastructure or creates or maintains an obstruction or encroachment and who fails to repair such damage or remove the obstruction or encroachment from the public way within 48 hours or within the time period as set by the Village shall be liable for the cost of repair or removal.
- C. The Village may remove or cause the removal of unauthorized, improperly constructed, abandoned, or unattended personal property and facilities within the right-of-way and charge the cost of removal and disposal to the person responsible for the deposit of such property in the right-of-way.
- D. The costs to be charged shall include, but not be limited to, labor and overhead based on the personnel involved in administering this section. The amount so charged shall be billed



to the person responsible. The amount shall be paid to the Village within thirty (30) days after the date of the bill.

#### **241.020 Pavement Degradation.**

- A. The construction, installation, repair, or maintenance of a utility facility within the right-of-way requiring excavation will require application for an excavation permit.
- B. Any excavation performed for the purpose of constructing, installing, repairing or maintaining a facility must comply with the following requirements: All open cut trenches made either to existing pavements or sidewalks or in future pavement areas shall be backfilled utilizing one of two recommended methods: those being the use of controlled low strength materials (CLSM) or, alternately, the placement of thin (six-inch maximum) mechanically compacted lifts of CA6 or CA10 aggregate materials as approved by the Village. Water jetting of the aggregate backfill material will not be permitted. The proper backfill material shall extend not less than two feet in each direction from the edge of the pavement.
- C. For both the CLSM and granular backfill methods, the top 12 inches of the excavation shall be filled with soil or granular material of similar composition to that of the adjacent subgrade. The 12 inches of soil shall be compacted to at least 95% of maximum dry density. (AASHTO T99) with no more than 110% optimum moisture.
- D. When a trench is cut into an existing pavement or sidewalk, the pavement shall be replaced in kind with a total thickness two inches greater than existing to a maximum of ten inches. When restoring Portland Cement concrete pavement, the entire slab into which the trench was cut shall be removed and replaced. If the surface is either hot mix asphalt or oil and chip, full depth hot mix asphalt shall be utilized for the pavement replacement. Replacement pavement shall be installed no less than two feet in each direction beyond the lateral edge of the excavation trench.
- E. All utility structures (i.e., shut-off valves, vault boxes, lids, poles, lines, markers, and the like) that pose a threat to public safety shall be replaced when directed by the Village.
- F. Any pavement failures which may occur outside of the original restored or repaired pavement or right-of-way area resulting from the utility activity will be repaired by the responsible contractor or utility company.
- G. Any person which plans to install any underground utilities within a present or proposed street or sidewalk right-of-way area is required to notify the Village a minimum of 24 hours prior to beginning work. The notification shall include the exact location and nature of the work to be performed. In emergency situations, the Village shall be notified immediately upon the responsible party's decision that excavation is required. Roadway or sidewalk area repairs or restoration made without proper notification may require re-excavation and replacement with approved backfill.

#### **241.021 Relocations and Rescission of Use Requested by Village**

- A. **General.** The Village of Oakwood owns and maintains the public rights-of-way. As such it is in the public interest for the Village to allow the use of its roadway rights-of-way by utility companies and other entities on a permission-based basis. However, the rights of the Village to utilize, operate and maintain its facilities within its right-of-way shall be paramount.
- B. **Relocations.** The Village, at any time, for any reasonable public purpose, may require the removal, relocation, adjustment, or other modification of any utility facility. When notified to do so utility companies shall relocate, adjust or otherwise modify their facilities to accommodate the proposed Village activity. Said relocations, adjustments or modifications

shall be completed not less than ninety (90) days after written notification to the utility by the Village. Said relocations, adjustments or modifications shall be at the sole cost of the utility.

- C. **Rescission of Use.** The Village reserves the right, at any time, to prohibit and rescind any use of the right-of-way, regardless of prior use or custom and regardless of prior implied consent. The Village, at any time, for any reasonable public purpose, may require the removal, relocation, adjustment, or other modification of any unauthorized use of the right-of-way by any person. When notified to do so the person shall remove, relocate, adjust or otherwise modify the unauthorized use to comply with the Village directive. Said relocations, adjustments or modifications shall be completed not less than ninety (90) days after written notification by the Village. Said relocations, adjustments or modifications shall be at the sole cost of the person.

#### **241.022 Penalty**

- A. **General.** Failure to comply with any of the requirements of this chapter shall constitute a municipal ordinance offense. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to Section 10.99 of this Code of Ordinances.
- B. **Parking.** Penalties for parking violations under this section shall be issued in accordance with Section 70.99 of this Code of Ordinances.
- C. **Stormwater.** Any person or owner determined by the Village, or a court having jurisdiction, to be in violation of any of the provisions of this section related to stormwater management shall be penalized in accordance with the penalties outlined in Chapter 51 of the Municipal Code, "Stormwater Management Ordinance of the Village of Oakwood, Vermilion County, Illinois."
- D. **Utilities.** Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the penalty provisions of this code. 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 chapter. 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 that does not pay the costs apportioned to it.

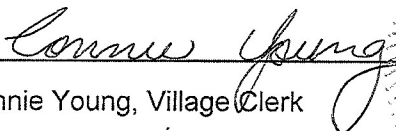
unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Village of Oakwood hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. Law Suits. That nothing in this legislation hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 5. Publication. The Village Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.


This ordinance is hereby passed, the "ayes" and "nays" being called, by the concurrence of a majority of the members of the Corporate Authorities then holding office at a regular meeting on the date set forth below.

PASSED this 18<sup>th</sup> day of December 2023.

  
\_\_\_\_\_  
Connie Young, Village Clerk



APPROVED this 18th day of December 2023.

  
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Robert Wright, Village President