

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

### **TITLE IX – STREETS, PARKS AND RECREATION, PUBLIC WAYS AND PUBLIC PROPERTY**

#### **DIVISION - 1 STREETS**

##### **CHAPTER 1 STREETS**

###### Section 1. SUPERVISION.

All construction on and maintenance and repair of public streets, alleys, sidewalks, driveways and other public ways shall be under the supervision of the Village Superintendent. The Superintendent shall be charged with the enforcement of all provisions relating to public places, except traffic ordinances.

###### Section 2. CONSTRUCTION.

It shall be unlawful to construct or lay any pavements for any public street, sidewalk, alley, or other public way, or to repair the same, or to construct any private driveway across any public right of way without having first, secured a permit to do so. Applications for such permits shall be made to the Village Superintendent, and shall state the location and extent, of the intended construction or repair and the person who is to do the actual construction work. No such permits shall be issued except where the work will conform to the, ordinances of the Village.

###### Section 3. SPECIFICATIONS.

All street, sidewalk, and driveway design and pavements shall be made in conformity with specifications approved from time to time by the Village Board of Trustees.

###### Section 4. INJURY TO NEW PAVEMENTS.

It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft or newly laid pavement.

###### Section 5. REPAIRS.

All public streets, alley and sidewalk pavements shall be in good repair. Any repair work, whether done by the Village or by the abutting owner, shall be under the supervision of the Village Supervisor.

###### Section 6. DEFECTS.

It shall be the duty of every city officer and employee becoming aware of any defect in any street, alley or sidewalk, or any obstruction to report the same to the Village Supervisor as soon as possible.

###### Section 7. OBSTRUCTIONS.

No person shall cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specified by ordinance or by the Village Supervisor.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

### Section 8. BARRICADES.

Any person laying or repairing any pavement on a street, sidewalk or other public place or making an excavation in the same, shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work. The barricades shall be lighted or protected by a light in the nighttime. Any defect in any such pavement shall be barricaded to prevent injury; and any person, properly maintaining any opening or excavation while the pavement remains open shall guard the pavement with proper barricades and lights.

### Section 9. DISTURBING BARRICADES.

It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley or sidewalk.

### Section 10. PRIVATE USE.

No person shall use any street, sidewalk or other public place as space for the display of goods or merchandise for sale; or to write or make any sign or advertisement on any such pavement.

### Section 11. ENCROACHMENTS.

It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

### Section 12. DRAINS.

It shall be unlawful to obstruct any drain in any public street or property.

### Section 13. POLES AND WIRES.

It shall be unlawful to erect or maintain any poles or wires over any public place, street, alley or sidewalk or other public way without having first secured permission from the Village President and the Board of Trustees.

### Section 14. GAMES.

It shall be unlawful to play any games upon any street, alley or sidewalk or other public place, where the games cause unnecessary noise or interfere with traffic or pedestrians.

### Section 15. OPENINGS.

It shall be unlawful to construct or maintain any opening or stairway in any public street or sidewalk or alley without a permit from the Village Board of Trustees. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, to the approval of the Village Superintendent.

### Section 16. PLANTING.

It shall be unlawful to plant any tree or bush in any public street or other public place without having secured a permit to do so. Applications for such permits shall be made to the Village Clerk and referred to the Village Superintendent before issuance.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

All trees and shrubs so planted shall be placed subject to the direction and the approval of the Village Board of Trustees.

### Section 17. REMOVAL.

It shall be unlawful to remove or cut down any tree or shrub in any public place without having secured a permit to do so. Applications for permits shall be made to the Village Clerk and shall be referred to and approved by the Board of Trustees before issuance.

### Section 18. INJURY.

It shall be unlawful to injure any tree or shrub planted or growing in any such public place.

### Section 19. ADVERTISEMENTS - NOTICES.

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any such public place.

### Section 20. DANGEROUS TREES.

Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel or is within 10 feet of a street or 7 feet of a sidewalk level, shall be trimmed by the owner of the premises abutting or of the premises on which the tree or shrub grows so that the obstruction shall cease.

20.1 Falling Tree, Limb. Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

20.2 Trimming, Removal. The Village Superintendent may trim any such tree or shrub or remove any such tree or branch thereof so that the obstruction or danger to traffic or passage shall be done away with.

### Section 21. WIRES.

It shall be unlawful to attach any wire or rope to any tree or shrub in any public street or other public place without the permission of the Board of Trustees.

21.1 Company Owned. Any person which maintains poles and wires in the streets, alleys or other public places, shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees and shrubs in such places as far as may be possible, and keep all such trees and shrubs near such wires and poles properly trimmed, subject to the supervision of the Village Superintendent, so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contact.

### Section 22. EXCAVATIONS.

In making excavations in streets or other public places, proper care shall taken to avoid injury to the roots of any tree or shrub, wherever possible.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

### Section 23. GAS PIPES.

Any person or company maintaining any gas pipe in the Village shall keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

### Section 24. DEPOSITS ON STREETS

- 24.1 Harmful Deposits. It shall be unlawful to deposit on any street any material which may be harmful to the pavement, or any waste material, or any glass, or other articles which may do injury to any person, animal or property.
- 24.2 Acceptable Deposits. Except as listed above, other materials may be deposited in streets preparatory to delivery or use, provided that the deposit does not reduce the usable width of the roadway at the point to less than eighteen feet, and provided that such material, other than material to be used in actual building construction, shall not be permitted to remain in such street for more than three hours.
- 24.3 Warning. Any such material shall be guarded by lights if the same remains upon any street after nighttime.

### Section 25. DEPOSITS ON SIDEWALKS.

- 25.1 Harmful Deposits. It shall be unlawful to deposit on any public sidewalk any material which may be harmful to the pavement of any waste material, or any glass or other articles which might cause injury to persons, animals or property.
- 25.2 Acceptable Deposits. Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width of the sidewalk is not reduced to less than 4 feet; and provided that no such article shall remain on the walk for more than one half hour.

### Section 26. BURNING LEAVES, OTHER LANDSCAPE WASTE AND REFUSE

It shall be unlawful to burn any leaves, landscape waste and/or refuse on any Village Right-of-Ways, concrete or asphalt surfaced streets or sidewalks in the Village. (See also Section 4, Chapter 1 – Burning of Leaves, Other Landscape Waste and Refuse, Division V – Open Burning, Title VII – HEALTH AND SANITATION).

### Section 27. PENALTY.

Any person violating any provision of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense each day of violation shall be a separate offense.

### Section 28. SNOW REMOVAL

All abutting property owners shall be responsible

To remove within a reasonable time from the portion of any public sidewalk abutting said property all snow and ice.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

To refrain from putting, pushing, blowing or otherwise depositing any snow removed from a public sidewalk or private property upon any improved public roadway.

For purposes of this Section, “reasonable time” shall mean that snow removal shall be within twenty-four (24) hours after cessation of a snowfall, or, if a snowfall ceases in the nighttime hours, within twenty-four (24) hours after sunrise.

### PENALTY

Any person violating the provisions of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.

### Section 29 STREET CUTTING

- a. For construction of new facilities, the Village may require encasement of said facilities that will cross under major thoroughfares, newly constructed streets, or any street determined by the Village to remain undisturbed during the proposed construction. The Village will determine the type of facilities to be encased, dependent upon the type of carrier pipe or conduit, the type of product being conveyed, and the type of joints specified. As a minimum, the contractor shall accompany his permit request with this information.
- b. The trench shall be backfilled with 100 % frost free trench backfill material (see standard specifications) placed in six (6) inch layers, each layer to be thoroughly compacted with a vibratory or other suitable mechanical tamper (hand tamping or jetting will not be permitted). The trench backfill shall be placed in this manner to the bottom of the existing sub-base or base. If sub-base is required, it shall be placed to the same depth as existing and with the type of material specified in the standard specifications, and shall be placed in two equal layers, each layer being compacted in the same manner as the trench backfill. If base is required it shall be placed to the same depth as existing (minimum of eight (8) inches) and with the same type of material stated in the standard specifications. In the case of Class B type streets, the base course shall be eight inches of Portland Cement Concrete.
- c. The existing pavement shall be sawed and removed for a minimum distance of one (1) foot beyond the limits of the trench width.
- d. The type of surface treatment required will depend upon the type of existing surface that was removed as follows:
  1. Existing “seal coat” type surfaces – After the trench backfill, base, and sub-base has been placed, compacted and primed, the surface shall receive a minimum of Type A-3 surface treatment or three (3) inches of cold mixed asphalt.
  2. Existing “class B” type surfaces – After the trench backfill, base and sub-base has been placed, compacted and primed, the surface shall receive a minimum of three (3) inches of Bituminous Surface Plant Mix (type B). Note: base to be Portland Cement Concrete (minimum of six (6) inches).
  3. Existing “Portland Cement Concrete” type surfaces – after trench backfill, base, and subbase has been placed, compacted, and primed, the surface shall receive 7” of Portland Cement Concrete pavement.
  4. Other existing surfaces – existing surfaces different than those above shall be repaired as directed by the Village Engineer.
  5. In cases 1 through 4 above, if it is necessary to perform this work during the winter months, a cold mixed asphalt shall be used for a temporary overlay, provided it is removed and replaced with the appropriate surface as described above early in the following construction season.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- e. Areas disturbed during the work, including, but not limited to curbs, surfaced shoulders sidewalks, and grassed areas, shall be replaced to their original condition.
- f. The Village Engineer may perform, at the appropriate time, tests set forth in the Standard Specifications, or any other test the Village Engineer determines to be appropriate to assure conformance with the Standard Specifications.
- g. The contractor shall not proceed with a given phase of construction until the previous phase has been approved by the Village Engineer or the Building Superintendent.
- h. The contractor shall give at least 48 hours' notice to the Village Engineer or the Building Superintendent as to the anticipated date of completion of a particular phase of construction so that the Village Engineer or the Building Superintendent can schedule the appropriate tests and inspections.
- i. That should emergency repair work be required to protect the safety of the general public, such work may be performed without a permit, provided that notification is made to a Village Official as soon as possible and that a formal permit is obtained and a bond filed within three (3) business days after the emergency occurrence.
- j. That work cannot be performed on Sundays and holidays except in emergency situations.
- k. That work shall be done only during daylight hours and during normal working hours of Village Personnel, except in emergency situations.

### Section 30. OPEN CUTTING OF STREETS

- a. For construction of new facilities, the Village may require encasement of said facilities that will cross under major thoroughfares, newly constructed streets, or any street determined by the Village to remain undisturbed during the proposed construction. The Village will determine the type of facilities to be encased, dependent upon the type of carrier pipe or conduit, the type of product being conveyed, and the type of joints specified. As a minimum, the contractor shall accompany his permit request with this information.
- b. The trench shall be backfilled with 100 % frost free trench backfill material (see standard specifications) placed in six (6) inch layers, each layer to be thoroughly compacted with a vibratory or other suitable mechanical tamper (hand tamping or jetting will not be permitted). The trench backfill shall be placed in this manner to the bottom of the existing sub-base or base. If sub-base is required, it shall be placed to the same depth as existing and with the type of material specified in the standard specifications, and shall be placed in two equal layers, each layer being compacted in the same manner as the trench backfill. If base is required it shall be placed to the same depth as existing (minimum of eight (8) inches) and with the same type of material stated in the standard specifications. In the case of Class B type streets, the base course shall be eight inches of Portland Cement Concrete.
- c. The existing pavement shall be sawed and removed for a minimum distance of one (1) foot beyond the limits of the trench width.
- d. The type of surface treatment required will depend upon the type of existing surface that was removed as follows:
  - 1. Existing "seal coat" type surfaces – After the trench backfill, base, and sub-base has been placed, compacted and primed, the surface shall receive a minimum of Type A-3 surface treatment or three (3) inches of cold mixed asphalt.
  - 2. Existing "class B" type surfaces – After the trench backfill, base and sub-base has been placed, compacted and primed, the surface shall receive a minimum of three (3) inches of Bituminous Surface Plant Mix (type B). Note: base to be Portland Cement Concrete (minimum of six (6) inches).
  - 3. Existing "Portland Cement Concrete" type surfaces – after trench backfill, base, and subbase has been placed, compacted, and primed, the surface shall receive 7" of Portland Cement Concrete pavement.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

4. Other existing surfaces – existing surfaces different than those above shall be repaired as directed by the Village Engineer.
  5. In cases 1 through 4 above, if it is necessary to perform this work during the winter months, a cold mixed asphalt shall be used for a temporary overlay, provided it is removed and replaced with the appropriate surface as described above early in the following construction season.
- e. Areas disturbed during the work, including, but not limited to curbs, surfaced shoulders sidewalks, and grassed areas, shall be replaced to their original condition.
  - f. The Village Engineer may perform, at the appropriate time, tests set forth in the Standard Specifications, or any other test the Village Engineer determines to be appropriate to assure conformance with the Standard Specifications.
  - g. The contractor shall not proceed with a given phase of construction until the previous phase has been approved by the Village Engineer or the Building Superintendent.
  - h. The contractor shall give at least 48 hours' notice to the Village Engineer or the Building Superintendent as to the anticipated date of completion of a particular phase of construction so that the Village Engineer or the Building Superintendent can schedule the appropriate tests and inspections.

## **DIVISION II – PARKS AND RECREATION**

### **CHAPTER - 1 PARKS AND RECREATION**

#### Section 1 – Park Rules Generally

The following rules and regulations shall govern all parks owned and maintained by the Village:

- (A) It shall be the duty of the Superintendent, and is hereby authorized and required to superintend and control the parks owned and improved by the Village, to maintain the park equipment and park grounds, and perform other duties as assigned by the Village Administrator, Mayor and Village Trustees.
- (B) No person shall damage, destroy, deface, remove any signage or equipment, building, structure, tree, vegetation, or machine in any of the Village parks.
- (C) No dumping of any kind is allowed at any of the Village owned and maintained parks.

#### Section 2. Hours of Operation

From April 1 through October 31 each year, all Village parks that are owned and operated by the Village for public park purposes shall be open to the public Monday thru Sunday from 8:00am until 10:00pm. It shall be unlawful for any unauthorized person to be or remain in any Village park during the hours when the parks are closed.

TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

**DIVISION III – WATER/ SEWER/PERMITS/CONNECTIONS/RATES**  
**CHAPTER 1 WATERWORKS AND SEWERAGE SYSTEMS: RATES**

Section 1. RATES, FEES AND CHARGES

a. MONTHLY CHARGES OR RATES FOR ALL USER CLASSIFICATIONS.

See Appendix A, TITLE IX, DIVISION II, CHAPTER 1, Section 1. RATES, FEES AND CHARGES of this Ordinance.

Section 2. APPLICATION FOR SERVICE

2.1 No new or transfer of water/sewer/garbage services shall be supplied to any person until an application therefor in writing has been made in person at the Village Hall office. The application shall include the name, address and a valid phone number of the applicant and a statement as to whether the property will be owner occupied or a rental.

2.2 The application for new or the transfer of water/sewer/garbage services shall be made to the Village Hall in person within 30 days from the date of possession or the water will be shut off and assessed a turn off and on fee.

Section 3. PAYMENT AND BILLING.

Bills for rates or charges for services shall be payable monthly no later than the close of business on the 10<sup>th</sup> of each month. The owner of the premises, the occupant and the user of the service shall be jointly and severally liable to pay for the Village provided services on such premises to the Village. All bills for service shall be provided by the Village to each customer on a monthly basis to be either mailed via US Postal Service or by e-mail on or before the first day of each month following the period for which the water/sewer services were provided. If payment is received after close of business on the 10<sup>th</sup> of the month, then a penalty of 10% of the total amount due for all the services provided shall be added.

3.1 Net payments received after the close of business on the 10<sup>th</sup> of the month will be credited "On Account" and unpaid penalties included on the following bill. Failure to receive bills will not entitle the owner, occupant or user to a remission of the penalty.

Section 4. DELINQUENT BILLS.

In the event the charges for service are not paid within 20 days starting with the day after the close of business on the 10<sup>th</sup> of the month, charges shall be declared to be delinquent; and the delinquencies shall constitute a lien upon the real estate for which such services were supplied. The Village Staff is authorized and directed to work with the Village Attorney to file liens on the property in the Office of the County Clerk in Rock Island County, and Henry County, Illinois as appropriate.

Section 5. PAYMENT ARRANGEMENTS FOR RESIDENTIAL USERS

Any owner or occupant unable to pay a bill during the normal payment period may request a payment arrangement in person only, during regular



## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

Village business hours. No payments arrangements will be made on shut off day or there after. If a payment arrangement is granted and the owner or occupant fails to make a payment arrangement, no further arrangements shall be granted and the owner or occupant could be subject to an immediate shut off of services and any remaining balance will be due in full to restore services.

The critiria for which a payment arrangement can be denied are:

1. More than two (2) disconnection notices in the prior twelve-month period.
2. More than one (1) returned payment in the prior twelve-month period.
3. Less than the minimum downpayment of \$25.00.
4. Established resident with the Village less than one (1) year.

Village decisions regarding payment arrangements are final and are not subject to appeal.

### Section 6. DISCONTINUATION.

Ten (10) days prior to the shutting off of Village services, a notice will be sent to the user of record that the bill for services due is delinquent with the balance of payment due; the date services will be shut off; the amount of charges for the reinstatement of services; once a shutoff notice has been issued, all outstanding bills, all past due balances, current balances, penalties, and turn on/off fees must be paid in full. Prior to the shutting off of services the user may request a hearing before the Village Water & Sewer Billing Department to discuss any charges the user feels erroneous or improper. Following the hearing of evidence, the decision by the Water & Sewer Billing Department, if not to the user's satisfaction, can be appealed to the Village Administrator. A decision by the Village Administrator shall be final.

Ten (10) days prior to the shutting off of Village services, a notice will be given to the user of record that the bill for services due is delinquent with the balance of payment due; the date services will be shut off; the amount of charges for the reinstatement of services; and that prior to shutting off of services the user may request a hearing before the Village Water & Sewer Billing Department to discuss any charges the user feels erroneous or improper. Following the hearing of evidence, the decision by the Water & Sewer Billing Department, if not to the user's satisfaction, can be appealed to the Village Administrator. A decision by the Village Administrator shall be final.

### Section 7. CONNECTION AND DISCONNECTION.

Any user desiring to temporarily discontinue service for a period of absence from a premise, shall make application therefore to the Village. Each time there is a discontinuance of service requested by a user, there shall be a charge of \$50.00 to shut off the service and \$50.00 to turn on such service. The temporary discontinuance of service at the request of the user will not avoid the imposition of and the liability for the payment for the minimum charge provided for herein.

### Section 8. COLLECTION OF BILLS.

It is the duty of the Village Treasurer to render bills for service and for all rates and charges in connection with the service and to collect all monies due.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 6.1 Returned Check Charge. Any user whose check for payment of rates and charges due under this Chapter is returned to the Village because of insufficient funds or other reasons shall be liable for and shall have included on such users next bill an additional charge of \$25.00 for the return of the check.

### Section 9. REVENUES.

All revenues and moneys derived from the operation of the combined waterworks and sewerage system shall be held by the Village Treasurer separate and apart from the Treasurer's private funds and separate and apart from all other funds of the Village.

### Section 10. SPECIAL FUND.

The Village Treasurer shall receive all such revenues from the combined waterworks and sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to the Treasurer. The Treasurer shall deposit all revenues in a separate fund designated as the "Waterworks and Sewerage Fund of the Village of Coal Valley." The Treasurer shall administer such fund in every respect in the manner provided by the applicable provision of Division 139 of Article II of the Illinois Municipal Code, 1961, and all laws amendatory and supplementary and as provided for in this Chapter.

### Section 11. SERVICE CHARGE.

Administrative Fee: An administrative fee of twenty-five dollars (\$25.00) shall be charged to a new occupant for transfer of billing. In the case where the utility or finance department has not been made aware of the new occupant, a thirty-five dollar (\$35.00) administrative fee will be assessed for staff time preparing and posting notice to the property. These fees are non-refundable.

### Section 12. NO CHARGE SERVICE.

No free service of any of the services supplied by the combined waterworks and sewerage system shall be supplied by the Village to the Village or to any other person, public or private.

## CHAPTER - 2 POTABLE WATER SUPPLY

### Section 1. USE OF GROUNDWATER AS A POTABLE WATER SUPPLY IS PROHIBITED.

Except for such uses or methods in existence before December 30, 2008 as to which this ordinance was previously amended, the use or attempt to use a potable water supply groundwater from all depths within the area hereinafter referred to as the ("Groundwater Limitation Area"), by the installation or drilling of wells or by any other method is hereby prohibited. This limitation applies to the Village of Coal Valley or any other person's construction or attempt to construct a private well.

### Section 2. PENALTIES.

Any person violating the provision of this ordinance shall be subject to a fine of up to \$500.00 for each violation.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

### Section 3. DEFINITIONS.

“Persons” in any individual, partnership, co-partnership firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns. “Potable water” is any water used for human or domestic consumption, including, but not limited to, water use for drinking, bathing, swimming, washing dishes, or preparing foods.

### Section 4. REPEALER.

All ordinances or partsof ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

### Section 5 SEVERABILITY.

If any provision of this ordinance or its application to any person or under any circumstances is adjusted invalid, such adjudication shall not affect the validity of this ordinance as a whole or of any portion not adjudged invalid.

## CHAPTER 3 - INSPECTION AND READING OF METERS

### Section 1. INSPECTION AND INSPECTORS.

Inspectors, foremen, meter readers or any other employee of the combined waterworks whose duty it may be to enter upon private premises to make inspection and examinations of water meters, pipes and fixtures, for any reason whatsoever in connection with the Village of Coal Valley water supply will be provided with identification identifying them as an agent or representative of the Water Department.

- 1.1 Entrance to Premises. Any officer, inspector, foreman, meter reader or authorized agent, or employee of the combined water works shall upon presentation of proper identification have free access at any and all reasonable hours to any premises, supplied by the combined water district, for the purpose of making any inspection or taking a meter reading pertaining to combined water department.

### Section 2. INSPECTION.

Any authorized agent or employee of the combined water works refused or hindered admittance to any premises, or prevented in making such examination or readings of the meters as necessary in the discretion of the waterworks department, the waterworks may cause the Village water supply to be turned off from the premises, after giving 24 hours notice to the owner or occupant of the premises.

- 2.1 Identification. No person not authorized, as an agent by the waterworks department shall have any identification or credentials of the waterworks department. It shall be the duty of each and every such officer, agent or employee of the department, upon resignation or dismissal to surrender and deliver to the department credentials for purposes of identifying the person with the division.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

### **CHAPTER 4 - CONNECTION TO WATER AND SEWERAGE SYSTEM, ISSUING OF PERMITS AND BONDING OF CONTRACTORS**

#### Section 1. PERMITS.

No person shall dig, excavate, remove, cut or in any manner tunnel under or break the surface of any street, highway, avenue, alley or right-of-way within the corporate limits of the Village for the purpose of connecting to the public water and or sewerage system without first having obtained from the Village the proper tap on permit.

#### Section 2. INSPECTION.

No person connected to the public water or public sewerage system in the Village under a permit as stated above, shall cover the connection without first having the connection inspected and approved by an official of the Village.

#### Section 3. BOND REQUIRED.

No person other than a plumber licensed by the State of Illinois, shall attempt to connect to the public water system or sewerage system in the Village, without first having executed to the Village of Coal Valley, Illinois, a bond in the penal sum of \$10,000.00, with good and sufficient sureties to be approved by the Village President which shall be conditioned on the faithful performance of all duties required by the Village. It shall be a first condition of the Bond that the obligators will hold the Village harmless from any and all damages sustained by reason of neglect or incompetence on the part of person in the performance of work done or careless or improper guarding of excavations made or trenches dug, or by reason of any other cause whatsoever growing out of the negligence or carelessness of such person while acting under the authority of the permit described.

#### Section 4. PENALTIES.

Any person violating the provisions of this Division shall be subject to a fine of not less than \$45.00 or more than \$750.00. Each day of violation shall be considered a separate offense.

### **CHAPTER 5 - INSPECTION FEE, CONNECTION AND METER CHARGE**

#### Section 1. INSPECTION CHARGE.

Any person/business that connects a dwelling, building, business or property to the public water system and sewerage system of the Village, shall pay to the Village, prior to connecting to the systems, an inspection fee in accordance with the Plumbing Code and/or Health and Sanitation Code. No person/business shall begin use of the water or sewer systems without first having a connection inspected by the proper Village authority.

#### Section 2. CONNECTION CHARGE

For tap on permit charges, see Appendix A to TITLE IX, DIVISION II, CHAPTER 1, Section 1, Rates, Fees and Charges of this Ordinance.

#### Section 3. METER CHARGE.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

Any person/business in which the water meter becomes inoperable due to negligence or carelessness of the owner will be responsible for the costs associated with the replacement of a new meter. See Appendix A, TITLE IX, DIVISION II, CHAPTER 1, Section 1. RATES, FEES AND CHARGES of this Ordinance.

### Section 4. PENALTY.

Any person violating the provisions of this Division shall be subject to a fine of not less than \$45.00 or more than \$750.00. Each day of violation shall be considered a separate offense.

## **DIVISION IV – SEVERABILITY**

In the absence of specific language to the contrary, each Division, Chapter, Section and each provision, requirement or appendix to any part of this Title IX Ordinance shall be considered separable, and the invalidity of any portion of this Ordinance shall not affect the validity or enforceability of any other portion.

## **CHAPTER 5 - CROSS-CONNECTION CONTROL**

### Section 1. BACK FLOW PREVENTORS.

That all plumbing installed within the Village of Coal Valley, shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. That, if in accordance with the Illinois Plumbing Code or in the judgement of the Superintendent of Water, an approved back flow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and annually thereafter, at a minimum. The owner of the premises shall maintain records to document that testing, servicing and repairs are conducted as required.

### Section 2. EMERGENCY WATER SUPPLY.

That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Coal Valley, enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the connection and use of such supply shall have been approved by the Superintendent of Water and the Illinois Environmental Protection Agency.

### Section 3. SURVEYS AND INVESTIGATIONS.

That it shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Superintendent

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

of Water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

### Section 4. ENTRANCE OF PREMISES.

That the approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Coal Valley water supply for the purpose of verifying the presence or absence of cross-connections, and that the Water Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Coal Valley water supply for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the Superintendent of Water any information, which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this ordinance.

### Section 5. DISCONTINUE.

That the Superintendent of Water of the Village of Coal Valley water supply is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of the ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance, and until a reconnection fee of \$50.00 (fifty dollars) is paid to the Village of Coal Valley. Immediate disconnection with verbal notice can be effected when the Superintendent of Water is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent of Water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Public Water Supply, the Superintendent of Water, or its agent or assigns shall be liable to any customer for any injury, damages, or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice.

### Section 6. PENALTY.

That the consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

## **CHAPTER 6 - USE OF VILLAGE WATER SUPPLY DURING SHORTAGES**

### **Section 1. USE.**

No person shall use the Village water supply for the purposes of watering of lawns or non-commercial washing of motor vehicles or both as determine during those periods of time when there exists in the Village an inadequate supply of water due to weather conditions or other causes.

### **Section 2. INADEQUATE WATER SUPPLY.**

An inadequate supply of water shall be deemed to exist when the Village pumping system is unable to pump an amount of water equal to or more than the water usage for any 24 hour period because of high usage of water due to the weather conditions, or because the Village water facilities have become inadequate to provide the necessary water due to other causes.

### **Section 3. NOTIFICATION.**

It shall be the duty of the Village President and the Superintendent of the Water Works to make a determination that an inadequate supply of water exists or is being pumped in the Village when the supply of water exists in the manner described. After making a determination, the provisions of the Chapter shall not be enforced until the Village President informs the news media of the determination, so that the residents of the Village of Coal Valley will be notified. If conditions permit a delay in the enforcement of any part of this Chapter, a notice shall be published in the newspaper of general circulation in the Village indicating the effective dates of this ban on the usage of water.

### **Section 4. PROHIBITION.**

The Village President and the Water Works Superintendent of the Village of Coal Valley may determine that a prohibition may apply only to the non-commercial washing of motor vehicles for a specific period of time or that both watering of lawns and non-commercial washing of motor vehicles shall be prohibited. It shall not be necessary to enforce both classifications at the same time.

### **Section 5. PENALTY.**

Any person violating the provisions of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.

## **CHAPTER 7 RIGHT-OF-WAY**

### **Section 1. PURPOSE.**

In order to facilitate the improvement of the streets of the Village, it is necessary to regulate encroachments on the right of way for improvements.

### **Section 2. DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

### ENCROACHMENT

Any building, fence, sign, or any other structure or object of any kind, with the exception of utilities and public road signs, which is placed, located or maintained in, on, under or over, any portion of the roadway right of way.

### ROADWAY RIGHT OF WAY

Those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

#### Section 3. SCOPE.

It shall be unlawful for any person to erect or retain an encroachment within the limits of the roadway right of way.

#### Section 4. PENALTY.

Any person violating this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.

## CHAPTER 8 UTILITIES USE OF RIGHT-OF-WAYS

### Section 1. PURPOSE AND SCOPE.

- a) Purpose. The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.
- b) Intent. In enacting this Chapter, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:
  - 1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
  - 2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
  - 3) 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;
  - 4) protect against environmental damage, including damage to trees, from the installation of utility facilities;
  - 5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
  - 6) preserve the character of the neighborhoods in which facilities are installed;
  - 7) preserve open space, particularly the tree-lined parkways that characterize certain neighborhoods, districts, and corridors;
  - 8) prevent visual blight from the proliferation of facilities in the rights-of-way;



## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

and

- 9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.
- c) Facilities Subject to This Chapter. This Chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Article 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. Additionally, all facilities lawfully established prior to the effective date of this Chapter shall comply with the requirements of this Chapter within sixty (60) days of the expiration date of any applicable franchise, license or similar agreement. If no such agreement exists, an established facility must comply with the requirements of this Chapter within sixty (60) days of the effective date of this Chapter. The Director of Public Works may waive certain requirements of this Chapter for lawfully established facilities if such requirements are unduly burdensome or are not feasible given that the facilities have already been established.
- d) 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.
- e) Effect of Franchises, Licenses, or Similar Agreements.
  - 1) Utilities Other Than Telecommunications Providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
  - 2) Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Chapter and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- f) Conflicts with Other Articles. This Article and its Chapter 4 supersede all Articles or parts of Articles adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- g) Conflicts with State and Federal Laws. In the event that applicable Federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Chapter to the maximum extent possible without violating Federal or State laws or regulations.
- h) Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

### Section 2. DEFINITIONS.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

As used in this Chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section.

Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.

- (1) "AASHTO" - American Association of State Highway and Transportation Officials.
- (2) "ANSI" - American National Standards Institute.
- (3) "Applicant" - A person applying for a permit under this Article.
- (4) "ASTM" - American Society for Testing and Materials.
- (5) "Backfill" - The methods or materials for replacing excavated material in a trench or pit.
- (6) "Bore" or "Boring" - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.
- (7) "Cable operator" - That term as defined in 47 U.S.C. 522(5).
- (8) "Cable service" - That term as defined in 47 U.S.C. 522(6).
- (9) "Cable system" - That term as defined in 47 U.S.C. 522(7).
- (10) "Carrier Pipe" - The pipe enclosing the liquid, gas or slurry to be transported.
- (11) "Casing" - A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.
- (12) "Village" - The Village of Coal Valley.
- (13) "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 non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.
- (14) "Coating" - Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.
- (15) "Code" - The City of East Moline Code of Ordinances.
- (16) "Conductor" - Wire carrying electrical current.
- (17) "Conduit" - A casing or encasement for wires or cables.
- (18) "Construction" or "Construct" - The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.
- (19) "Cover" - The depth of earth or backfill over buried utility pipe or conductor.
- (20) "Crossing Facility" - A facility that crosses one or more right-of-way lines of a right-of-way.
- (21) "Director of Public Works" - The Village Director of Public Works or his or her designee.
- (22) "Disrupt the Right-of-Way" - For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.
- (23) "Emergency" - Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.
- (24) "Encasement" - Provision of a protective casing.
- (25) "Equipment" - Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.
- (26) "Excavation" - The making of a hole or cavity by removing material, or laying bare by digging.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- (27) "Extra Heavy Pipe" - Pipe meeting ASTM standards for this pipe designation.
- (28) "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, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Chapter. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the Village.
- (29) "Freestanding Facility" - A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.
- (30) "Frontage Road" - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.
- (31) "Hazardous Materials" - Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Director of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.
- (32) "Highway Code" - The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.
- (33) "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.
- (34) "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 ILCS 5/21-401.
- (35) "IDOT" - Illinois Department of Transportation.
- (36) "ICC" - Illinois Commerce Commission.
- (37) "Jacking" - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.
- (38) "Jetting" - Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.
- (39) "Joint Use" - The use of pole lines, trenches or other facilities by two or more utilities.
- (40) "J.U.L.I.E." - The Joint Utility Locating Information for Excavators utility notification program.
- (41) "Major Intersection" - The intersection of two or more major arterial highways.
- (42) "Occupancy" - The presence of facilities on, over or under right-of-way.
- (43) "Parallel Facility" - A facility that is generally parallel or longitudinal to the centerline of a right-of-way.
- (44) "Parkway" - Any portion of the right-of-way not improved by street or sidewalk.
- (45) "Pavement Cut" - The removal of an area of pavement for access to facility or for the construction of a facility.
- (46) "Permittee" - That entity to which a permit has been issued pursuant to Sections 6-1104 and 6-1105 of this Article.
- (47) "Practicable" - That which is performable, feasible or possible, rather than that which is simply convenient.
- (48) "Pressure" - The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- (49) "Petroleum Products Pipelines" - Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.
- (50) "Prompt" - That which is done within a period of time specified by the Village. If no time period is specified, the period shall be 30 days.
- (51) "Public Entity" - A legal entity that constitutes or is part of the government, whether at local, state or federal level.
- (52) "Restoration" - The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.
- (53) "Right-of-Way" or "Rights-of-Way" or "Rights-of-Ways or Right-of-Ways" - Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. Right-of-Way shall not include any real or personal City property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.
- (54) "Roadway" - That part of the highway that includes the pavement and shoulders.
- (55) "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.
- (56) "Security Fund" - That amount of security required pursuant to Chapter 4, Section 10.
- (57) "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.
- (58) "Sound Engineering Judgment" - A decision(s) consistent with generally accepted engineering principles, practices and experience.
- (59) "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 non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations.  
"Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include 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 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

- (60) "Telecommunications Provider" - Means 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.
- (61) "Telecommunications Retailer" - Means and includes every person engaged in making sales of telecommunications at retail as defined herein.
- (62) "Trench" - A relatively narrow open excavation for the installation of an underground facility.
- (63) "Utility" - The individual or entity owning or operating any facility as defined in this Chapter.
- (64) "Vent" - A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.
- (65) "Video Service" - That term as defined in section 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).
- (66) "Water Lines" - Pipelines carrying raw or potable water.
- (67) "Wet Boring" - Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

### Section 3. ANNUAL REGISTRATION REQUIRED.

Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Director of Public Works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in Section 8 of this Chapter, in the form of a certificate of insurance.

### Section 4. PERMIT REQUIRED; APPLICATIONS AND FEES.

- a) Permit Required. No person shall construct (as defined in this Chapter) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this Chapter), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the Director of Public Works and obtaining a permit from the Village therefore, except as otherwise provided in this Chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way. No permit shall be required for any right-of-way use by the Village.
- b) Permit Application. All applications for permits pursuant to this Chapter shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.
- c) Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:
  - 1) The utility's name and address and telephone and telecopy numbers;
  - 2) The applicant's name and address, if different than the utility, its

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 3) telephone, telecopy numbers, e-mail address, and its interest in the work; The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
  - 4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
  - 5) Evidence that the utility has placed on file with the Village:
    - i) 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
    - ii) 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 Section unless the Village finds that additional information or assurances are needed;
  - 6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
  - 7) Evidence of insurance as required in Section 8 of this Chapter;
  - 8) Evidence of posting of the security fund as required in Section 10 of this Chapter;
  - 9) Any request for a variance from one or more provisions of this Article (See Section 21 of this Chapter); and
  - 10) Such additional information as may be reasonably required by the Village.
- d) Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of Subsection (c) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:
- 1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any “Certificate of Public Convenience and Necessity” or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
  - 2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
  - 3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, and the Village have been satisfied;
  - 4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Village, have been satisfied; or

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
- e) Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty (30) days after the change necessitating the amendment.
- f) Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Chapter shall be accompanied by a fee in the amount of \$560.00, which amount may be amended from time to time by action of the Village Board. No application 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. No application fee is required to be paid by any telecommunications utility that is paying the municipal telecommunications tax pursuant to the Simplified Municipal Telecommunications Tax Act. Unless otherwise provided by franchise, license, or similar agreement or unless prohibited by preemptive law, each permittee shall pay an annual fee of one dollar and fifty cents (\$1.50) per lineal foot of the facilities located in the public right-of-way, up to a maximum of ten thousand dollars (\$10,000) per year. Any discrepancy in lineal footage actually installed shall be reconciled by the parties upon submission of as built drawings at the conclusion of the project. Such fees shall serve as reimbursement for the City's costs in connection with reviewing, inspecting, and supervising the use and occupancy of the public right-of-way on behalf of the public and existing or future users.

### Section 5. ACTION ON PERMIT APPLICATIONS.

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

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 2) In the event that the Director of Public Works fails to provide such specification of location to the telecommunications retailer within either (i) 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 (ii) 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.
- 3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to Section 4 of 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 Subsection (a) of this Section.

- c) Additional Village Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five (45) days after submission to the City, unless otherwise acted upon by the City, provided the holder has complied with applicable City codes, ordinances, and regulations.

### Section 6. EFFECT OF PERMIT.

- a) Authority Granted; No Property Right or Other Interest Created. A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this 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.
- b) 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.
- c) Pre-construction 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 pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.
- d) Compliance with All Laws Required. The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

### Section 7. REVISED PERMIT DRAWINGS.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within ninety (90) days after the completion of the permitted work.



## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Chapter, it shall be treated as a request for variance in accordance with Section 21 of this Chapter. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

### Section 8. INSURANCE.

- a) Required Coverages and Limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs 1 and 2 below:
- 1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:
  - 2)
    - i) One million dollars (\$1,000,000) for bodily injury or death to each person;
    - ii) One million dollars (\$1,000,000) for property damage resulting from any one accident; and
    - iii) One million dollars (\$1,000,000) for all other types of liability;
    - iv) Two million dollars (\$2,000,000) aggregate;
  - 2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars (\$1,000,000) for personal injury and property damage for each accident;
  - 3) Worker's compensation with statutory limits; and
  - 4) Employer's liability insurance with limits of not less than one million dollars (\$1,000,000) per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

- b) Excess or Umbrella Policies. The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.
- c) Copies Required. The utility shall provide copies of any of the policies required by this Section to the Village within ten (10) days following receipt of a written request therefor from the Village.
- d) Maintenance and Renewal of Required Coverages. The insurance policies required by this Section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ten (10) days after receipt by the Village, by registered mail

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

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 Section.

- e) Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection (a) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under Subsection (a), or the requirements of Subsections (b), (c) and (d) of this Section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection (a) of this Section, such as evidence that the utility is a “private self insurer” under the Workers Compensation Act.
- f) Effect of Insurance and Self-Insurance on Utility’s Liability. The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.
- g) Insurance Companies. All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. [All insurance carriers and surplus line carriers shall be rated “A-” or better and of a class size “X” or higher by A.M. Best Company.]

### Section 9. INDEMNIFICATION.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney’s fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this 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.

### Section 10. SECURITY.

- a) Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee’s sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 1) The faithful performance by the permittee of all the requirements of this Chapter;
  - 2) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this Chapter; and
  - 3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or non-performance by permittee in violation of this Article 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.
- b) Form. The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the City, or an unconditional letter of credit in a form acceptable to the Village. Said forms are attached to this Chapter as Appendices 1 and 2. Any surety bond or letter of credit provided pursuant to this Subsection shall, at a minimum:
- 1) Provide that it will not be canceled without prior notice to the Village and the permittee;
  - 2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
  - 3) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.
- c) Amount. The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Director of Public Works , and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Director of Public Works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection (c) for any single phase.
- d) Withdrawals. The Village, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the Village for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:
- 1) Fails to make any payment required to be made by the permittee hereunder;
  - 2) Fails to pay any liens relating to the facilities that are due and unpaid;
  - 3) Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 4) action or non-performance by the permittee; or  
Fails to comply with any provision of this Chapter that the Village determines can be remedied by an expenditure of an amount in the Security Fund.
- e) Replenishment. Within fourteen (14) days after receipt of written notice from the Village that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in Subsection c) of this Section.
- f) Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in Subsection c) of this Section.
- g) Closing and Return of Security Fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this Chapter or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.
- h) Rights Not Limited. The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this 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.

### Section 11. PERMIT SUSPENSION AND REVOCATION.

- a) Village Right to Revoke Permit. The Village may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:
  - 1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
  - 2) Non-compliance with this Chapter;
  - 3) 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; or
  - 4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.
- b) Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 11.
- c) Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 1) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
- 2) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five (5) working days after receipt of the written notice of revocation; or
- 3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten (10) days after receipt of the written notice of revocation.

The Village may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.

- d) Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection (a) of this Section.
- e) Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of Subsection (c) of this Section, the Village or its designee may, at the option of the Village: (1) correct the deficiencies; (2) upon not less than twenty (20) days notice to the permittee, remove the subject facilities or equipment; or (3) after not less than thirty (30) days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

### Section 12. CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

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

### Section 13. GENERAL CONSTRUCTION STANDARDS.

- a) Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances (including, but not limited to, the Village of Coal Valley supplemental specifications), codes, laws rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:
  - 1) Standard Specifications for Road and Bridge Construction;
  - 2) Supplemental Specifications and Recurring Special Provisions;
  - 3) Highway Design Manual;
  - 4) Highway Standards Manual;

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 5) Standard Specifications for Traffic Control Items;
  - 6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
  - 7) Flagger's Handbook; and
  - 8) Work Site Protection Manual for Daylight Maintenance Operations.
- b) Interpretation of Municipal Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this Chapter, the Director of Public Works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Director of Public Works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

### Section 14. TRAFFIC CONTROL.

- a) Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.
- b) Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting 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.
- c) Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
- d) Notice When Access is Blocked. At least forty-eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Section 20 of this Chapter, the utility shall provide such notice as is practicable under the circumstances.
- e) Compliance. The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the City.

### Section 15. LOCATION OF FACILITIES.

- a) General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.
  - 1) No Interference with Village Facilities. No utility facilities shall be placed in any location if the Director of Engineering determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
  - 2) Minimum Interference and Impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way. Facilities shall be placed underground whenever feasible.
  - 3) No Interference with Travel. No utility facility shall be placed in any

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- location that interferes with the usual travel on such right-of-way.
- 4) No Limitations on Visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
  - 5) Size of Utility Facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
  - 6) Screening. Screening shall be required for all units equal to or greater than four feet in height as measured from existing grade, with the exception of street light and traffic signal controller cabinets.
    - i) Where screening is required, it shall be provided in accordance with Zoning Ordinance, Article IV – General Provisions, Section 10, Landscaping.
    - ii) Equipment shall be located so that its visual impact is minimized. Equipment shall not be permitted to be located within the parkway area between the public sidewalk and street curb, unless another feasible location is not available within or outside of the right-of-way.

The equipment shall be positioned to maximize the effectiveness of the screening, including locating the equipment so that the access panel is located on the side that is least visible; however, boxes shall not be placed to impede views for pedestrians, cyclists, or drivers.

Screening requirements may be waived by the Director of Public Works where installation of screening may have negative impacts on the public safety, such as impeding views for pedestrians, cyclists, and drivers on the adjacent roadways, sidewalks, bike paths, and driveways, or if such installation would be unduly burdensome.

All screening must be maintained by the permittee.

### c) Parallel Facilities Located Within Highways.

- 1) Overhead Parallel Facilities. An overhead parallel facility may be located within the right-of-way lines of a highway only if:
  - i) 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;
  - ii) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
  - iii) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
  - iv) No pole is located in the ditch line of a highway; and
  - v) Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.
- 2) Underground Parallel Facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- i) The facility is located as near the right-of-way line as practicable and not more than eight (8) feet (2.4 m) from and parallel to the right-of-way line;
  - ii) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
  - iii) 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 (5) feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.
- c) Facilities Crossing Highways.
  - 1) No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
  - 2) Cattle Passes, Culverts, or Drainage Facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
  - 3) 90 Degree Crossing Required. Crossing facilities shall cross at or as near to a ninety (90) degree angle to the centerline as practicable.
  - 4) Overhead Power or Communication Facility. An overhead power or communication facility may cross a highway only if:
    - i) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
    - ii) Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
    - iii) Overhead crossings at major intersections are avoided.
  - 5) Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:
    - i) The design materials and construction methods will provide maximum maintenance-free service life; and
    - ii) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
  - 6) 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. (49 C.F.R. §192.707 (1989).
- d) Facilities to be Located Within Particular Rights-of-Way. The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.
- e) Freestanding Facilities.
  - 1) The Village may restrict the location and size of any freestanding facility located within a right-of-way.
  - 2) The Village may require any freestanding facility located within a right-of-way to be screened from view.



## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- f) Facilities Installed Above Ground. Above ground facilities may be installed only if:
  - 1) No other existing facilities in the area are located underground;
  - 2) New underground installation is not technically feasible; and
  - 3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.
- g) Facility Attachments to Bridges or Roadway Structures.
  - 1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
  - 2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
    - i) 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;
    - ii) The type, length, value, and relative importance of the highway structure in the transportation system;
    - iii) The alternative routings available to the utility and their comparative practicability;
    - iv) The proposed method of attachment;
    - v) The ability of the structure to bear the increased load of the proposed facility;
    - vi) The degree of interference with bridge maintenance and painting;
    - vii) The effect on the visual quality of the structure; and
    - viii) The public benefit expected from the utility service as compared to the risk involved.
- h) Appearance Standards.
  - 1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
  - 2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the 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.

## Section 16. CONSTRUCTION METHODS AND MATERIALS.

- a) Standards and Requirements for Particular Types of Construction Methods.

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 1) 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 Director of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
  - ii) Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.
  - iii) Borings with Diameters Greater Than 6 Inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).
  - iv) Borings with Diameters 6 Inches or Less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
  - v) Tree Preservation. Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be bored under or around the root system.
- 2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction".
  - i) Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Director of Public Works.
  - 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 allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
  - iii) Drip Line of Trees. The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
- 3) Backfilling.
  - i) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

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 three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Director of Public Works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Director of Public Works.

- 4) Pavement Cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph 4 is permitted under Section 21, the following requirements shall apply:

- i) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Director of Public Works.
- ii) Restoration of pavement, in kind, shall be accomplished as soon as practicable and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
- iii) All saw cuts shall be full depth.
- iv) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.
- v) For PCC pavement restoration, pavement shall be replaced in full panels.

- 5) Encasement.

- i) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.
- ii) The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- iii) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway.

Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.
- iv) In the case of gas pipelines, of 60 psig or less, encasement may be eliminated.
  - v) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;
  - vi) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
- 6) Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

TYPE OF FACILITY	MINIMUM COVER
Electric Lines	30 Inches (0.8 m)
Communication, Cable or Video Service Lines	18 to 24 Inches (0.6 m, as determined by City)
Gas or Petroleum Products	30 Inches (0.8 m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, or Drainage Line	Sufficient Cover to Provide Freeze Protection

### b) Standards and Requirements for Particular Types of Facilities.

#### 1) Electric Power or Communication Lines.

- i) Code Compliance. Electric power or communications facilities within City rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines," and the National Electrical Safety Code.
  - ii) Overhead Facilities. Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
  - iii) Underground Facilities. (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
- (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: (a) the crossing is installed by the use of "moles," "whip augers," or other approved method which compress the earth to make the opening for cable installation or (b) the installation is by the open trench method which is only

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- iv) permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code. Burial of Drops. All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten (10) business days after placement.
  - 2) Underground Facilities Other than Electric Power or Communication Lines. Underground facilities other than electric power or communication lines may be installed by:
    - i) the use of “moles,” “whip augers,” or other approved methods which compress the earth to move the opening for the pipe;
    - ii) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
    - iii) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
    - iv) tunneling with vented encasement, but only if installation is not possible by other means.
  - 3) Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a City approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT’s “Standard Specifications for Road and Bridge Construction,” and all other applicable laws, rules, and regulations.
  - 4) Petroleum Products Pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
  - 5) Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current “Standard Specifications for Water and Sewer Main Construction in Illinois.”
  - 6) 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 (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Director of Public Works. With the approval of the Director of Public Works, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.
- c) **Materials.**
  - 1) General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- appropriate industry, the applicable portions of IDOT's "Standard Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- 2) Material Storage on Right-of-Way. No material shall be stored on the right-of-way without the prior written approval of the Director of Public Works. 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 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.
  - 3) Hazardous Materials. The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.
- d) **Operational Restrictions.**
- 1) Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
  - 2) These restrictions may be waived by the Director of Public Works when emergency work is required to restore vital utility services.
  - 3) Unless otherwise permitted by the Village, the hours of construction are those set forth by the Director of Public Works.
- e) Location of Existing Facilities. Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)
- Any utility that constructs facilities in the right-of-way within the Village must become a member of J.U.L.I.E. and mark the location of its facilities when alerted to do so as a participating member of J.U.L.I.E. The Village shall have no obligation to mark the location of any utility's facilities nor shall it be obligated to alert any utility to proposed work by itself or others.

### Section 17. VEGETATION CONTROL.

- a) Electric Utilities – Compliance with State Laws and Regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village as permitted by law.
- b) 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.
- c) **Chemical Use.**

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.
- 2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Director of Public Works that such spraying is the only practicable method of vegetation control.

### Section 18. REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES.

- a) Notice. Within ninety (90) days following written notice from the Village, a utility shall, at its own expense, 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 Article; or
  - 4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.
- c) Emergency Removal or Relocation of Facilities. The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the 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 Director of Public Works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that 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.

### Section 19. CLEAN-UP AND RESTORATION.

The utility 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 utility, all to the

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Director of Public Works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Director of Public Works for good cause shown.

### Section 20. 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 non-compliance 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.
  - 2) Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
  - 2) In an emergency, the utility shall, as soon as possible, notify the Director of Public Works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.
  - 3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.
- d) Emergency Repairs. The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

### Section 21. VARIANCES.

- a) Request for Variance. A utility requesting a variance from one or more of the provisions of this Chapter must do so in writing, and accompanied by the appropriate variance request fee, to the Village's Planning and Zoning Commission through the Director of Public Works as a part of the permit application. The request shall identify each provision of this Chapter from which a variance is requested and the reasons why a variance should be granted.
- b) Authority to Grant Variances. The Village's Planning and Zoning Commission shall decide whether a variance is authorized for each provision of this Chapter identified in the variance request on an individual basis.
- c) Conditions for Granting of Variance. The Village's Planning and Zoning Commission may authorize a variance only if the utility requesting the variance has demonstrated that:



## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

- 1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
  - 2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.
- d) Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the Village's Planning and Zoning Commission may require the utility requesting the variance 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 aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the City's Administrative Hearing Officer under the provisions of this Chapter shall have the right to appeal in circuit court pursuant to the Illinois Administrative Review Law.

### Section 22. PENALTIES.

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.

### Section 23. ENFORCEMENT.

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

### Section 24. SEVERABILITY.

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

TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

APPENDIX 1

LETTER OF CREDIT

\_\_\_\_\_  
(name of bank)  
\_\_\_\_\_  
(City bank's location), (State)  
Irrevocable Credit No. \_\_\_\_\_ Date: \_\_\_\_\_, 20\_\_\_\_  
City of \_\_\_\_\_, Illinois All drafts must be marked:  
"Drawn under Credit No. \_\_\_\_\_,  
dated \_\_\_\_\_, 20\_\_\_\_"

To the Village of Coal Valley:

We hereby open an Irrevocable Letter of Credit in the amount of  
\_\_\_\_\_ (\$ \_\_\_\_\_) in your favor for the account of  
\_\_\_\_\_ (Utility), for the construction of \_\_\_\_\_ (type of utility), on public right-of-way, for  
the benefit of the citizens of the Village of Coal Valley. Said money hereunder shall be available by your  
drafts at sight drawn on us drawn in the name of the Village of Coal Valley. All drafts must be marked  
"Drawn under \_\_\_\_\_ (name of bank), Credit No. \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_."

Drafts must be accompanied by a signed statement by the Director of Public Works of the Village  
of Coal Valley, Illinois, that the request is for the installation and/or construction of utilities required pursuant  
to plans, specifications, and cost estimates dated \_\_\_\_\_, 20\_\_\_\_, and approved by the Village of  
Coal Valley, Illinois, and on file with the Director of Public Works. Further, all requests for disbursements  
under this Letter of Credit made prior to (must be 6 months after filing) \_\_\_\_\_, 20\_\_\_\_, shall be  
submitted by Utility and accompanied by a certified estimate of units and value of work completed with  
Utility's sworn statement and waiver of mechanics' liens, all approved by the Utility's engineer and the  
Director of Public Works of the Village of Coal Valley, Illinois. It is understood as to all disbursements that  
the Director of Public Works shall approve all installation and/or construction of utilities only as long as there  
remains a sufficient balance to the Credit to provide for the reasonably estimated cost to restore the right-  
of-way to at least as good a condition as that existing prior to the construction under the permit, as  
determined by the Director of Public Works, and may also include reasonable, directly related costs that  
the Village estimates are likely to be incurred if \_\_\_\_\_ (Utility) fails to perform such restoration.

In the event that all of the work for the installation and/or construction is not completed to the  
satisfaction of the Village on or before (one day short of six months after filing) \_\_\_\_\_, 20\_\_\_\_, or there are  
any outstanding payments owed to the Village or other lien holders by \_\_\_\_\_ (Utility) \_\_\_\_\_, or the  
\_\_\_\_\_ (Utility) otherwise fails to comply with the Village's Code of Ordinances and such  
failure can be remedied by an expenditure of an amount from these funds, the funds remaining under this  
Letter of Credit shall be available to the Village of Coal Valley, Illinois, upon presentation of their draft at  
sight drawn on us in the name of the Village of Coal Valley, Illinois, do hereby certify that work on required  
right-of-way has not been completed to the satisfaction of the Village of Coal Valley on or before (one  
day short of six months after filing) \_\_\_\_\_, 20\_\_\_\_.

This Credit shall expire on (six months after filing) \_\_\_\_\_, 20\_\_\_\_; provided, however, the  
undersigned shall notify the Director of Public Works, by certified mail, return receipt requested, at least  
ninety (90) days prior to expiration date that this Letter of Credit is about to expire and provided, however,

APPENDIX A

TITLE IX, DIVISION II, CHAPTER 1, SECTION 1

# TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

## VILLAGE OF COAL VALLEY WATER/SEWER/METER/TAP-ON RATES/FEES

### EFFECTIVE JANUARY 1, 2023 RESIDENCES/BUSINESSES LOCATED WITHIN THE VILLAGE

	CURRENT	JANUARY 1 <sup>ST</sup> , 2023
	Connect Fee/Charge Per 1000	Connect Fee/Charge Per 1000
100 Residential user of water and sewer	\$12.00/\$14.50	\$12.00/\$7.25/\$8.75
110 Residential user of water only	\$6.00/\$7.25	\$6.00/\$7.25
115 Residential user of sewer only - metered	\$6.00/\$7.25	\$6.00/\$8.75
120 Residential user of sewer only – no meter (2) monthly flat rate charge	\$60.00	\$61.50
125 2 <sup>nd</sup> Meter – External Water Use Only	\$6.00/\$7.25	\$6.00/\$7.25
300 Commercial user of water and sewer	\$25.00/23.00 @1000/3000 \$10.50/1000	\$25.00/\$23.00 @1000/3000 \$5.25/\$6.75/1000
310 Commercial user of water only	\$25.00/\$12.00 @1000/3000 \$7.00/1000	\$25.00/\$12.00 @1000/3000 \$7.00/1000
320 Commercial sewer only – no meter (2) monthly flat rate charge	\$120.00	\$121.50
330 Commercial sewer only - metered	\$25.00/\$10.50	\$25.00/\$12.00
340 New Meter Charge (3)	\$300.00 \$450.00 \$2,200.00 \$3,100.00 \$4,000.00	\$375.00 - 5/8" Residential \$550.00 - 1" Residential/Commercial \$2,400.00 - 2" Commercial \$3,300.00 - 3" Commercial \$4,200.00 - 4" Commercial
500 Mobile Home Park Water & Sewer	\$10.50/\$11.25	\$12.00/\$7.25/8.75
<b>TAP-ON FEES – Inside Village</b>		
Sewer	\$500.00	\$550.00
Water	\$500.00	\$550.00

# TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

## APPENDIX A VILLAGE OF COAL VALLEY WATER/SEWER/METER/TAP-ON RATES/FEES (Con'd)

### EFFECTIVE JANUARY 1, 2023 RESIDENCES/BUSINESSES LOCATED OUTSIDE THE VILLAGE

	CURRENT	JANUARY 1 <sup>ST</sup> , 2023
	Connect Fee/Charge Per 1000	Connect Fee/Charge Per 1000
200 Residential user of water) and sewer (1)	\$36.00/\$43.50	\$36.00/\$21.75/\$23.25
210 Residential user of water only (1)	\$18.00/\$21.75	\$18.00/\$21.75
220 Residential user of sewer only (metered)	\$18.00/\$21.75	\$18.00/\$23.25
230 Residential user sewer only - no-meter (2)monthly flat rate charge	\$180.00	\$181.50
400 Commercial user of water and sewer	\$75.00/\$69.00 @1000/3000 \$31.50/1000	\$75.00/\$69.00 @1000/3000 \$15.75/\$17.25/1000
410 Commercial user of water only	\$72.00/\$28.50 @1000/3000 \$21.00/1000	\$72.00/\$28.50 @1000/3000 \$21.00/1000
420 Commercial user of sewer only	\$75.00/\$31.50	\$75.00/\$33.00
430 New Meter Charge (3)	\$400.00 \$550.00 \$2,300.00 \$3,200.00 \$4,100.00	\$475.00 – 5/8" Residential \$625.00 – 1" Residential/Commercial \$2,500.00 – 2" Commercial \$3,400.00 – 3" Commercial \$4,300.00 – 4" Commercial
<b>TAP-ON FEES – Outside of Village</b>		
Sewer	\$550.00	\$600.00
Water	\$550.00	\$600.00

## TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

### APPENDIX A

#### VILLAGE OF COAL VALLEY

##### WATER/SEWER/METER/TAP-ON RATES/FEEES – (Cont'd)

##### **ADDITIONAL CHARGES/FEEES:**

Curb boxes are Village property, therefore, shut off and turn on of Village curb boxes will only be done by Village employees or licensed plumbers who have their current license, bond and insurance on file with the Village. There is a \$50.00 charge for a curb box shut off and a \$50.00 charge for a curb box turn on that is residential & \$75.00 charge for a curb box shut off and a \$75.00 charge for a curb box turn on that is commercial & must be done by Village employees only.

Water meters are Village property so there is a \$50.00 charge to have a Village water meter pulled and a \$50.00 charge to have a Village water meter re-installed by Village employees. These charges are in addition to any shut off or turn on of curb boxes by Village employees.

##### **Footnotes:**

- (1) The Water Monthly Fixed Charge is applied to all water users who retain a Village water meter in their residence or building even if their curb box is shut off due to vacation or failure to pay water/sewer fees.
- (2) All residential and commercial users (inside and outside of the Village) of Village Sanitary Sewer and /or Water Systems will be metered. All meters to be purchased from the Village.
- (3) New meter charge applies to all new construction (residential/commercial) or requests for a new meter & all meters are to be purchased from the Village.

