

CHAPTER 4

STREETS AND SIDEWALKS

4.01 SUPERVISION. All public streets, alleys, sidewalks and other public ways shall be under the supervision of the Superintendent of Streets. He shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinances.

4.02 NAMES OF STREETS. All streets of the village shall be known and designated by the names and designated by the names applied hereto, respectively, on the map of the village kept on file in the office of the Village Clerk and the street names designated on said map shall continue to be the name of streets unless and until changed by ordinance of the Board of Trustees.

4.03 NUMBERING BUILDINGS. Buildings located along the streets of the village shall be numbered in accordance with a chart kept by the Village Clerk showing the proper street number of each lot. The owner of any such building shall place such number on his building so as to be visible from the street.

4.04 DAMAGE TO STREETS. No person shall damage or deface any street, alley, sidewalk, public way, park or other public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon, except as may be authorized by the village.

4.05 ENCROACHMENTS ON STREET. (a) No person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk or public way except by permit from the Board of Trustees. Application for such permit shall describe the nature of the encroachment in such detail as the Board shall require. The Board in its discretion may issue or deny the permit, and may impose any conditions to such permit it deems appropriate.

(b) Awnings made of a pliable substance attached to a building and extending not less than 8 feet above the surface of the sidewalk may be erected and maintained without a permit.

(c) Any encroachment on any street, alley, sidewalk or public way shall be maintained so that it does not endanger or obstruct the public.

(d) Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the village.

4.06 OBSTRUCTING STREETS. (a) No person shall obstruct or endanger the free passage or proper use of the public of any street, sidewalk, alley or public place, except as may be permitted by this chapter.

(b) Goods, wares and merchandise may be placed on sidewalks for such reasonable time as may be necessary while loading and unloading, provided pedestrian traffic is not obstructed.

4.07 BUILDERS OCCUPYING STREET. (a) Permission. Building permits shall be held to imply a license to occupy such portion of the public street and sidewalk abutting upon and adjacent to such buildings for private use in connection with the actual building operations under such permit as is required, subject to the supervision and direction of the Superintendent of Streets or Village Board.

(b) Materials on Streets. No materials except those required for immediate use in connection with a building or structure, or the alteration or repair thereof under such permit, shall be placed upon the street

or sidewalk abutting upon or adjacent to such building. As soon as such building or structure is under roof, all materials shall be placed within the lot line, and the street and sidewalk cleaned and placed in the same condition as before the beginning of building operations under such permit.

(c) Area Used; Temporary Walks. No more than one-half the space between the center line of the street and the lot line of the premises upon which such building alterations or repairs are being conducted under such permit, and no more than one-third the width of any public sidewalk, shall be occupied under such permit; provided the full width of the sidewalk may be occupied by the consent of the Village Board, and the providing of a temporary walk leading around the obstructed portion of the sidewalk connecting with the permanent walk at either end thereof. Such temporary walk shall be constructed to the satisfaction of the Village Board, and it shall be their duty to cause the same to be made safe and secure for public travel upon the same.

(d) Access to Hydrants, Drains. No building material, temporary walk or obstruction shall be placed so to render inaccessible access to, or obstruct any fire hydrant, manhole, catch basin or vault, or render impassable to vehicles any street, alley or public way.

(e) Cleaning Walk. The holder of such permit shall at all times, during the work thereunder, maintain the portion of the permanent sidewalk reserved or the temporary walk above provided for, in a safe condition and clear of all material, rubbish, dirt or snow.

(f) Barriers. He shall erect and maintain a sufficient and suitable fence, railing or barricade to guard all excavations, embankments or obstructions along the street, obstructed during the time he shall occupy the same under such permit.

(g) Lights. He shall place and maintain proper and sufficient amber lights or tallow pots on each end of every such obstruction or excavation and at intervals of 50 feet along the same at night. No person shall remove, extinguish or disturb the lights or pots.

(h) Obstructing Gutters. He shall at no time obstruct the gutter or waterway of any street, so as to prevent free passage of water along the street, and if any gutter be shaded or covered so that ice accumulated therein, he shall clear the gutter of such ice so as to allow the water to pass freely at all times.

4.08 MATERIALS IN STREETS. (a) Any person not holding a building permit shall not store any materials on any street, sidewalk or public place without a permit therefor from the village.

(b) The fee for such permit shall be \$50.

(c) The permittee shall conform to the provisions of Section 4.07 relating to builders occupying streets to the extent they are applicable, and to such other conditions as the village may impose when granting the permit.

4.09 EXCAVATIONS AND WORK IN STREETS. (a) Permit. No person shall change the grade or level, or injure or tear up any pavement of any street, sidewalk, crosswalk or curb, or any part thereof, dig any hole, trench, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street or public ground in the village without first obtaining a permit from the office of the Village Clerk as hereinafter provided. Before such permit shall issue, it shall first be approved by the Superintendent of Public Works and, in the event that the permit is obtained for the purpose of making a connection to a sewer or water facility of the village located in any public street, the Superintendent of Public Works may, if practical, require the applicant to tunnel or auger instead of removing or injuring the pavement.

(b) Fee and Bond. The fee for a permit required under this section is \$50. The applicant shall also deposit a performance bond as follows:

1. The Board of Trustees may require for an excavation on any primary streets (all plant-mix mat surfaces) a \$10,000.00 performance bond.
2. For excavation on secondary streets (all gravel, dirt and like surfaces) a \$2500.00 performance bond.

The bond shall guarantee the applicant faithful and prompt restoration of the excavated area in accordance with the provisions of the ordinances of the Village of Richmond and the maintenance thereof for a period of two years. All public utilities operating under a franchise with the village shall be exempt from the requirements of this subsection (b). (Ord 2000-15 5/17/00)

(c) Protection of Village. Any applicant using or excavating any portion of any street pursuant to the issuance of a permit shall save and keep the village free, clear and harmless from any loss or liability on account of any accident or damages resulting from such excavation or work, and shall enter into a hold harmless agreement with the village to this effect at the time the permit is issued. The applicant shall fully remove all material, dirt and rubbish from the space so occupied, and restore such street to its original condition immediately upon the expiration of the period named in the permit.

(d) Repairing and Replacing of Excavations. The person excavating in any street or public place shall, if required by the Superintendent of Streets to do so, immediately upon completion of the work, and as fast as practicable during the accomplishment thereof, refill the excavations. All excavations shall be backfilled and rammed to a width of two feet wider than the traveled surface of the road over the excavation, and the backfill material shall only consist of sand, compacted in no more than eight inch lifts, to within eight inches of the top of the road surface, and then such final layer of backfill shall consist of the road base gravel to the underside of the road hardtop surface. Any earth and other materials that have been excavated that may not be used for backfill shall be removed from the site. Such work shall be done to the satisfaction of the Superintendent under his direction. The Superintendent may adopt other proper rules and regulations for such relaying and replacing of such pavements and material. The Superintendent may relay all pavement caused by any street opening other than those openings specifically required to be relayed by others or by the Board of Trustees from time to time.

(e) Protected Excavations and Obstructions; . It shall be the duty of any person engaged in digging into or working upon a street or public place, or who places building materials on any street or public place, where such work if left exposed would be dangerous to pedestrians, to erect a positive barrier around all such excavation or work in such manner as to prevent danger to pedestrians. It shall be the duty of such person to place and maintain lighted type 1 barricades around the work until the excavation is properly backfilled. (Ord 2000-15 5/17/00)

(f) Liability for Damages. Any person performing any of the work mentioned in this section shall be liable for any damage which may be occasioned to persons or property by reason of carelessness connected with the work.

(g) Village Excavations. Whenever a street or other public place is excavated by the village, the village shall erect and maintain the fencing and lights required by this section.

(h) Notice to Village. Whenever any public street is obstructed or rendered impassable for vehicles by an excavation therein, or by the occupation thereof by building materials, or by any house in the process of moving, the person so obstructing such street shall immediately notify the Village Clerk of the location of such excavation or other obstruction, and of any change therein from day to day, during the progress of the work causing such obstruction.

(i) Winter Work. There shall be no excavation in the public streets of the village after November 15 in a given year and before April 15 in the next year, except that excavation shall be allowed for purposes of making necessary repairs of any condition which affects public health and safety. After November 1 and

before November 15 no excavation may remain open during non-working hours at the site of the excavation, and such excavation shall be completely backfilled as required herein.

4.10 LAYING OF PIPE IN STREETS. (a) Permit. No sewer, water, pipe, conduit pipe, gas pipe, wire or cable for conveying electric current nor any street or alley pavement, sidewalk, or other like improvement shall be placed, laid or maintained in, under, or upon any street, alley, sidewalk, easement of passage or public place, except improvements constructed under special assessment proceedings, unless a permit authorizing the same has been issued by the village.

(b) Location of Gas Pipes. Any gas pipes when placed in any public street or alley shall be laid so that there will be no interference with sewers or water pipes, and before any pipes are laid, permission must be secured from the village and same must be placed in a portion of the street or alley as may be directed by the village.

(c) Map to be Filed. Every gas company that lays down gas pipes in any public street or alley shall make and file with the Village Clerk an accurate map showing the exact location of every line of pipe laid by it, which map shall be accessible for public inspection and shall be kept constantly revised to show any changes or additions.

4.11 MOVING STRUCTURES ON STREETS. No person shall move any building or structure on any street without a permit from the Superintendent of Public Works. The Superintendent of Public Works may issue the permit under such conditions as it may reasonably prescribe to protect the streets and village and private property and to minimize public inconvenience. He may require the permittee to execute a bond or insurance contract in behalf of the village in such amount as he deems appropriate conditioned that the permittee will comply with the conditions of the permit and indemnify the village against any damage caused to village or private property or any person by removal of the building or structure.
(Ord 2000-15 5/17/00)

4.12 DEBRIS IN STREETS. (a) No person shall litter or deposit any foreign matter on any street, alley, sidewalk, park or public place, except building materials and merchandise as permitted under this chapter, or as may be permitted by the Superintendent of Public Works. (Ord 2000-15 5/17/00)

4.13 PROTECTION OF WORK IN STREETS. Any person laying, or making an excavation in, or doing any work in any street, sidewalk or other public place shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work. Barricades shall be protected by suitable lights at night. Any defect in any pavement shall be barricaded to prevent injury. Any person maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open, by proper barricades and lights. No person shall interfere with or disturb any barricades or lights lawfully placed to protect new pavement or excavation or opening in any street, alley or sidewalk.
(Ord 2000-15 5/17/00)

4.14 BARBED WIRE FENCES. No person shall maintain or construct any fence composed in whole or part of barbed wire, except in locations where they exist at the time this code is passed, or with any similar materials designed to injure any person, or any wire charged with electrical current, except to protect industrial property, in which case the barbed wire must be at least six feet above the sidewalk and extend inward from the property line.

4.15 ADVERTISING ON STREETS. No person shall paint or post any signs or bills on any trees, poles or other structures in any street or on the surface of any street or sidewalk.

4.16 BURNING LEAVES AND RUBBISH. No person shall burn any leaves, paper, rubbish or other substances upon any street, sidewalk or alley.

4.17 DRIVEWAYS. (a) Specifications. Driveways across sidewalks may be constructed upon approval of plans by the Board of Trustees.

(b) Repair. The person maintaining a driveway shall keep it in good repair at the place where it crosses the sidewalk and free from any obstruction or other openings.

(c) Culverts. Culverts shall be constructed at the intersection of the driveway and the street as directed by the Board of Trustees.

(d) Culvert Obstruction. Culverts shall be kept free from obstruction and debris. It shall be the duty of the owner and/or occupant of the property with culvert at the intersection of the driveway and the street to keep said culvert free from any obstructions and debris.

4.18 TREES. (a) Planting Permit. No person shall plant any tree or shrub in any street, parkway or other public place without first having secured a permit therefor. Application for such permit shall be made to the Clerk, and shall be referred by him to the Board of Trustees for approval.

(b) Removal Permit. No person shall remove or cut down any tree or shrub in any street, parkway or other public place without having first secured a permit therefor. Application for such permit shall be made to the Clerk, and shall be referred by him to the Board of Trustees for approval.

(c) Injury. No person shall injure any tree or shrub planted in any street, parkway or public place.

(d) Advertisements or Notices. No person shall attach any sign, advertisement or notice to any tree or shrub in any street, parkway or public place.

(e) 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 on such public place shall be trimmed by the owners of the abutting premises on which such trees or shrub grows to that the obstruction shall cease. Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner the premises on which the tree grows or stands.

(f) Wires. No person shall attach any wire or rope to any tree without the permission of the Board of Trustees. Any person granted the right to maintain poles and wires in the streets, alleys or other public places in the village shall in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the village to insure that injury shall not be done to the poles, wires, shrubs and trees by contact with wires.

4.19 SNOW REMOVAL FROM SIDEWALKS. (a) It shall be unlawful for the owner and any occupant of any building or vacant property that fronts on either side of the streets set forth in this section to allow snow of a greater depth than one-half inch to remain standing for more than 12 hours on the sidewalk along any such street after being notified, orally or in writing, by the police to remove the snow.

(b) The streets which are referred to in this section are as follows:

1. Main Street, from May Avenue to Kenosha Street; Ord 2001-3 3/7/01
2. George Street, from East Street to the right-of-way of the Chicago & Northwestern Railroad;
3. Broadway, from East Street to the right-of-way of the Chicago & Northwestern Railroad;
4. Mill Street, from East Street to the right-of-way of the Chicago & Northwestern Railroad.

(c) The prohibition of this section shall apply jointly and severally to any owner or any occupant of such building or vacant property.

(d) Any person found guilty of violating the provisions of this Section shall be liable under penalty found in Appendix A of this Code for each offense.

4.20 CONSTRUCTION OF SIDEWALKS. (a) All concrete walks installed in Right of Ways shall not be less than 4 feet in width; the excavation for the bed of said walks shall be not less than 8 inches in depth, said bed shall be made of CA-6, said fill shall be thoroughly compacted; concrete shall be no less than 4 inches thickness, it shall be poured to 6 inches deep in driveways or alleyways; concrete shall be 6 bags mix; it shall be sectioned into uniform blocks about 4 feet in length but not exceeding 6 feet in length; and shall be true to grade and ramped where necessary to meet A.D.A. requirements (*Ord 2001-9*)

(b) All cement sidewalks hereafter built, constructed or relaid within the village shall be built with a slope of one-quarter of an inch to the foot from the center of said walks, except that in the business section of the village all such sidewalks shall be built with a slope of one-quarter inch to the foot toward the center of the street on which they are laid, and shall be built on the grade established or furnished by the Board of Trustees, the Streets and Alleys Committee, or the Superintendent of Streets, and of the material and in the manner prescribed in this section.

(c) The cost of construction for all cement sidewalks of four feet in width or curbing built and constructed in accordance with the provisions of this Section 4.20, shall be divided and paid for in the following proportions: 50 percent of said cost shall be borne and paid for by the Village and 50 percent of said cost shall be borne and paid for by the owner or owners of the property abutting and adjacent to said sidewalk. (*Ord. 1993-47*)

(d) Any person desiring to lay any concrete or cement walk of more than 4 feet in width, before beginning such walk, shall obtain a permit to lay the same from the Streets and Alleys Committee.

(e) Whenever it shall be considered necessary by the Board of Trustees or by the Streets and Alleys Committee to construct a curbing incident to the construction of such sidewalk, the same shall be constructed under the direction of the Streets and Alleys Committee; it shall be made of cement in the proportion of one portion of the best grade of Portland cement, five parts of clean sand and gravel or broken stone, and of a thickness and depth as directed by the Board of Trustees or Streets and Alleys Committee, and one-half of the reasonable and necessary cost of the construction of said curbing shall be paid by the village upon the completion and acceptance of the same by the Board of Trustees; the other one-half of the said cost shall be paid by the owner of the property abutting on the sidewalk adjacent to said curbing.

(f) Where only a portion of the cost of constructing sidewalks or curbing is to be borne by the village, the village shall be chargeable with only its proportion of said cost of construction and not with any of the portion to be paid by the abutting or adjacent property owner, and the contractor or person constructing any such sidewalk shall collect from the village only that proportion of said cost of construction as provided for the village to pay in subsections (c) and (e) of this section, and the contractor or person doing said work shall under no circumstances charge the remaining cost of construction to the village.

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(g) If any person shall build, renew, lay or relay, or knowingly assist in so doing, any sidewalk or portion thereof where no grade has been established, without first obtaining a grade therefor from the

Streets and Alleys Committee or the Superintendent of Streets, or upon a grade contrary to that established by the Streets and Alleys Committee or the Superintendent of Streets, such person so offending shall be fined pursuant to Appendix A of this Code for each and every offense, and a like sum for every day he shall fail, neglect or refuse to relay, renew, build or construct such sidewalk or a portion thereof in conformity with the provisions of this Section

4.21 MAILBOXES. Any container for the receipt of the United States mail at a given address that is served by a driveway for vehicular ingress and egress to the structure that has such address, and which container is freestanding, detached from the structure to which the address is associated, and which is commonly referred to as a "mailbox" shall be located as follows:

(a) No more than 30 inches from the roadway of the street;

(b) As near the side (as such side is hypothetically extended into the street) of the driveway opposite the side that would be approached in a vehicle as is practicable, and, in any event, no more than 8 feet beyond such opposite side. (Ord. 1979-15)

CHAPTER 4.22 CONSTRUCTION OF UTILITY FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

(Ordinance 1999-2 03/03/99)

4.22.010 Purpose and Scope.

A) Purpose. The purpose of this Chapter is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.

B) Facilities Subject to This Chapter. This Chapter applies to all facilities on, over, above, along, upon, under, across, or within the public rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement. This Chapter shall not apply to any facilities constructed by others to be owned by the Village.

C) Franchises, Licenses, or Similar Agreements. The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this Chapter.

D) Effect of Franchises, Licenses, or Similar Agreements.

- 1) Utilities Other Than Telecommunications Providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- 2) Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this 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.

E) Conflicts with Other Chapters. This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto that are in conflict herewith to the extent of such conflict.

F) Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Chapter, the utility shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or State laws or regulations.

G) Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this Chapter and may vary the standards, conditions, and requirements expressed in this Chapter 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.

4.22.020 Definitions.

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.

“AASHTO” – American Association of State Highway and Transportation Officials.

“ANSI” – American National Standards Institute.

“Applicant” – A person applying for a permit under this Chapter.

“ASTM” – American Society for Testing and Materials.

“Backfill” – The methods or materials for replacing excavated material in a trench or pit.

“Bore” or “Boring” – To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

“Building Official” – Village of Richmond department head for the Building/Planning & Zoning Department, or his/her designee.

“Carrier Pipe” – The pipe enclosing the liquid, gas or slurry to be transported.

“Casing” – A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

“Clear Zone” – The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a 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.

“Coating” – Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

“Code” – The Municipal Code of the Village of Richmond.

“Conductor” – Wire carrying electrical current.

“Conduit” – A casing or encasement for wires or cables.

“Construction” or “Construct” – The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

“Cover” – The depth of earth or backfill over buried utility pipe or conductor.

“Crossing Facility” – A facility that crosses one or more right-of-way lines of a right-of-way.

“Director of Public Works” – The Village Director of Public Works or his/her designee.

“Disrupt the Right-of-Way” – For the purposes of this Chapter, any work that obstructs the right-of-way or causes an 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 road.

“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.

“Encasement” – Provision of a protective casing.

“Engineer” – The Village Engineer or his/her designee.

“Equipment” – Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

“Excavation” – The making of a hole or cavity by removing material, or laying bare by digging.

“Extra Heavy Pipe” – Pipe meeting ASTM standards for this pipe designation.

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

“Freestanding Facility” – A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

“Frontage Road” – Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

“Hazardous Materials” – Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village 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.

“Highway Code” – The Illinois Highway Code, 605 ILCS 5/1-101 *et seq.*, as amended from time to time.

“IDOT” – Illinois Department of Transportation.

“ILCC” – Illinois Commerce Commission.

- “Jacking” – Pushing a pipe horizontally under a roadway by mechanical means with or without boring.
- “Jetting” – Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.
- “Joint Use” – The use of pole lines, trenches or other facilities by two or more utilities.
- “Major Intersection” – The intersection of two or more major arterial roads.
- “Occupancy” – The presence of facilities on, over or under right-of-way.
- “Parallel Facility” – A facility that is generally parallel or longitudinal to the centerline of a right-of-way.
- “Parkway” – Any portion of the right-of-way not improved by street or sidewalk.
- “Pavement Cut” – The removal of an area of pavement for access to facility or for the construction of a facility.
- “Permittee” – That entity to which a permit has been issued pursuant to Sections .040 and .0505 of this Chapter.
- “Practicable” – That which is performable, feasible or possible, rather than that which is simply convenient.
- “Pressure” – The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).
- “Petroleum Products Pipelines” – Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.
- “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.
- “Public Entity” – A legal entity that constitutes or is part of the government, whether at local, state or federal level.
- “Restoration” – The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.
- “Right-of-Way” – Any street, alley, other land or waterway, dedicated or commonly used for roadway or utility purposes, including utility easements in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. “Right-of-way” shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures, and other structures or improvements, regardless of whether they are situated in the right-of-way.
- “Roadway” – That part of the right-of-way that includes the pavement and shoulders.
- “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.
- “Security Fund” – That amount of security required pursuant to Section .100.

“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.

“Sound Engineering Judgment” – A decision(s) consistent with generally accepted engineering principles, practices and experience.

“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, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points of wide, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, “telecommunications” shall also include wireless telecommunications as defined in the Illinois Telecommunications Infrastructure Maintenance Fee Act, 35 ILCS 635/1 *et seq.*

“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 him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale.

“Telecommunications” shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

“Telecommunications Provider” – Means any person that installs, owns, operates or controls facilities in the public right-of-way used or designed to be used to transmit telecommunications in any form.

“Telecommunications Retailer” – Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

“Trench” – A relatively narrow open excavation for the installation of an underground facility.

“Utility” – The individual or entity owning or operating any facility as defined in this Chapter.

“Vent” – A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

“Village” – The Village of Richmond, IL.

“Village’s Design Manual” – The Village of Richmond’s construction specifications and requirements embodied in a booklet or manual.

“Water Lines” – Pipelines carrying raw or potable water.

“Wet Boring” – Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

4.22.030 Annual Registration Required.

Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Building & Zoning Official, 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 080 of this Chapter, in the form of a certificate of insurance. A telecommunications provider that has registered under this Section, shall be deemed to have satisfied the registration requirement under this Section.

4.22.040 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 Village Building & Zoning Official and obtaining a permit from the Village therefor, 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.

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 is reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

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

- 1) The utility's name and address and telephone and telecopy numbers;
- 2) The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;
- 3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
- 4) A 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 ILCC regulations for emergency contingency plans constitutes compliance with this Section unless the Village finds that additional information or assurances are needed;
- 6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
 - 7) Evidence of insurance as required in Section .080 of this Chapter;
 - 8) Evidence of posting of the security fund as required in Section .100 of this Chapter;
 - 9) Any request for a variance from one or more provisions of this Chapter (See Section .210); 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 new electric power, communications or natural gas distribution system installation, evidence that any “Certificate of Public Convenience and Necessity” has been issued by the ILCC that the applicant is required by law, or has elected, to obtain;
- 2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

- 3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied and provide copies of IEPA permits;
- 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, or other local or state entities with jurisdiction, have been satisfied and provide copies of IEPA permits; or
- 5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

E) Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty (30) days after the change necessitating the amendment.

F) Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Chapter shall be accompanied by a fee in the amount of \$20.00 per 100 feet or a minimum of \$100.00. No application fee is required to be paid by any telecommunications retailer that is paying the municipal telecommunications infrastructure maintenance fee or the optional state telecommunications infrastructure maintenance fee pursuant to the Telecommunications Municipal Infrastructure Maintenance Fee Act, or by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

4.22.050 Action on Permit Applications.

A) Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Village Building & Zoning Official within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Village Building & Zoning Official shall reject such application in writing, stating the reasons therefor. If the Village Building & Zoning Official is satisfied that the proposed work conforms to the requirements of this Chapter and all applicable ordinances, codes, laws, rules, and regulations, the Village Building & Zoning Official shall issue a permit therefor as soon as practicable.

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 Chapter for facilities for the provision of telecommunications services. Such notice shall

consist of plans, specifications, and other documentation per Section .4 sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than ten (10) days prior to the commencement of work requiring no excavation and not less than thirty (30) days prior to the commencement of work requiring excavation. The Village Building & Zoning Official shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.

- 2) In the event that the Village Building & Zoning Official 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. The review does not commence until all required submittals are received by the Village.
- 3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to Section 12.18.040 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.

4.22.060 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 public rights-of-way.

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

4.22.070 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. 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 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.

4.22.080 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:
 - (i) Five million dollars (\$5,000,000) for bodily injury or death to each person;
 - (ii) Five million dollars (\$5,000,000) for property damage resulting from any one accident; and
 - (iii) Five million dollars (\$5,000,000) for all other types of liability;
- 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.

B) Excess or Umbrella Policies. The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

C) Copies Required. The utility shall provide copies of any of the policies required by this Section to the Village within ten (10) days following receipt of a written request therefor from the Village.

D) Maintenance and Renewal of Required Coverages. The insurance policies required by this Section shall contain the following endorsement:

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

4.22.090 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.

4.22.100 Security.

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

- 1) The faithful performance by the permittee of all the requirements of this 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 Chapter including, without limitation, any damage to public property or restoration work the permittee is required by this Chapter to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Chapter or any other applicable law.

B) Form. The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this Subsection shall, at a minimum:

- 1) Provide that it will not be canceled without prior notice to the Village and the permittee;
- 2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
- 3) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.

C) Amount. The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Village, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Village may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the 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. The security fund for each construction project will be \$10 per lineal foot of the project, or the company may post a yearly cash retainer or letter of credit for \$20,000 (replenished yearly), or a bond for an amount determined by the Village, for all construction work to be complete that year.

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 action or non-performance by the permittee; or
- 4) 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.

4.22.110 Permit Suspension and Revocation.

A) Village Right to Revoke Permit. The Village may revoke or suspend a permit issued pursuant to this Chapter for one or more of the following reasons:

- 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 public rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- 4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

B) Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section .110.

C) Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.

Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

- 1) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
- 2) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five (5) working days after receipt of the written notice of revocation;
- 3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the public rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten (10) days after receipt of the written notice of revocation. The Village may, in its discretion, for good cause shown, extend the time periods provided in this Subsection; or
- 4) If the deficiency is deemed a life/safety hazard the Village may correct the deficiency immediately upon verbal notice by the Village to permittee.

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.

4.22.120 Change of Ownership or Owner's Identity or Legal Status.

A) Notification of Change. A utility shall notify the Village no less than thirty (30) days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this 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.

4.22.130 General Construction Standards.

A) Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the Village's Design Manual and in the following IDOT publications:

- 1) Standard Specifications for Road and Bridge Construction;
- 2) Supplemental Specifications and Recurring Special Provisions;
- 3) Highway Design Manual;
- 4) Highway Standards Manual;
- 5) Standard Specifications for Traffic Control Items;
- 6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- 7) Flagger's Handbook; and
- 8) Work Site Protection Manual for Daylight Maintenance Operations.

B) Interpretation of Municipal Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this Chapter, the Village Engineer shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Village Engineer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

4.22.140 Traffic Control.

A) Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual of Uniform Traffic Control Devices and this Code.

B) Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

C) Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

D) Notice When Access is Blocked. At least forty-eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Section 12.18.200 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 Village.

4.22.150 Location of Facilities.

A) Parallel Facilities Located Within Rights-of-Way.

- 1) Overhead Parallel Facilities. An overhead parallel facility may be located within the right-of-way 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 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 only if approved by the Village Building & Zoning Official and:
 - 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, and five (5) feet (1.5 m) from any water main;

- ii) A new facility may be located under the paved portion of a roadway 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 approved by the Village Building & Zoning Official 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.

B) Facilities Crossing Roadways.

- 1) No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of Village roadways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadway 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, unless otherwise approved by the Village.
- 4) Overhead Power or Communication Facility. An overhead power or communication facility may cross a right-of-way only if:
 - i) It has a minimum vertical line clearance as required by ILCC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
 - ii) Poles are located within one foot (0.3 m) of the right-of-way line 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 right-of-way 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)).
- C) 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.
- D) Appearance Standards.
- 1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
 - 2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.
- E) Above Ground Installation. 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.
- D) 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 roadway 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.

4.22.160 Construction Methods and Materials.

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

- 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 Village Engineer and/or 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 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 Village's Design Manual and 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 Village Engineer and/or 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) 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 using methods and materials in accordance with the Village's Design Manual and 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 backfill area that has settled due to construction of the facility. If so ordered by the Village Engineer and/or 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 Village Engineer and/or Director of Public Works.
- 4) Pavement Cuts. Pavement cuts for facility installation or repair shall be permitted on a roadway only if that portion of the roadway is closed to traffic. If a variance to the limitation set forth in this paragraph 4) is permitted under Section .210, the following requirements shall apply:
- i) Any excavation under pavements shall be backfilled as soon as practicable with granular material of CA-6 or Grade 8 or 9 gradation, as designated by the Village Engineer and/or 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.

- 5) Encasement.
 - i) Casing pipe shall be designed to withstand the load of the roadway 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. Casing pipes shall be installed where required and approved by the Village Engineer and/or Director of Public Works, in accordance with 4.22.160 A, i. Through v.
 - 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 roadway.
 - iii) In the case of gas pipelines of 60 psig and 6” diameter or less, encasement may be eliminated.
 - iv) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminate only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;
 - v) 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
Power or Communication Line (In General)	30 Inches (0.8 m)
Communication Line Installed by the Plowed Method	24 Inches (0.6 m)
Gas or Petroleum Products	30 Inches (0.8 m)
Water Line	72 Inches (1.83 m)
Sanitary Sewer, Storm Sewer, or Drainage Line	As approved by Village Engineer and/or Director of Public Works

B) Standards and Requirements for Particular Types of Facilities.

- 1) Electric Power or Communication Lines.
 - i) Code Compliance. Electric power or communications facilities within Village rights-of-way shall be constructed,

operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled “Rules for Construction of Electric Power and Communications Lines”, and the National Electrical Safety Code.

- 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 permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.
- 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 encasement provided between the ditch lines or toes of slopes of the roadway;
 - iii) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction;
 - iv) tunneling with vented encasement, but only if installation is not possible by other means; or
 - v) open trench in a manner approved by Village Engineer and/or Director of Public Works.

- 3) Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural Gas 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 requirements of the Village’s Design Manual and 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 Village Engineer and/or Director of Public Works. With the approval of the Village Engineer and/or Director of Public Works, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.
- C) Materials.
- 1) General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the requirements of the Village’s Design Manual, and the applicable portions of IDOT’s “Standards 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. 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 Village Engineer and/or 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 in Chapter 12 of this Code.

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.*)

4.22.170 Vegetation Control.

A) Tree Trimming Permit Required. Tree trimming shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Chapter.

- 1) Application for Tree Trimming Permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
- 2) Damage to Trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree

trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

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. Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Village Engineer and/or Director of Public Works that such spraying is the only practicable method of vegetation control.

4.22.180 Removal, Relocation, or Modifications of Utility Facilities.

A) Notice. Within ninety (90) days following written notice from the Village, a utility shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.

B) Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the public rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the public rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- 1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- 2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- 3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Chapter; or
- 4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

C) Emergency Removal or Relocation of Facilities. The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as

the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

D) Abandonment of Facilities. Upon abandonment of a facility within the public rights-of-way of the Village, the utility shall notify the Village within ninety (90) days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Village Engineer and/or 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.

4.22.190 Cleanup and Restoration.

Upon completion of all construction or maintenance of facilities, the utility shall remove all excess material and restore all turf and terrain in a timely manner and to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Village Engineer and/or 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.

4.22.200 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 roadway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- 2) In an emergency, the utility shall, as soon as possible, notify the Village Engineer and/or Director of Public Works or his or her duly

authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.

- 3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

C) Emergency Repairs. The utility must file in writing with the Village of a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

4.22.210 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 to the Village Building & Zoning Official 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 Board 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 Board may authorize a variance only if the utility requesting the variance has demonstrated that:

- 1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- 2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

D) Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the Village Board 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.

4.22.220 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 Appendix A 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 appointment of the Village. Sanctions may be imposed upon a utility who does not pay the costs apportioned to it.

4.22.230 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.

4.22.240 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.

4.23 PENALTIES: Unless otherwise provided, any person, firm or corporation violating any provision of this Chapter shall be punished by a fine pursuant to Appendix A f this Code for each such violation.