



Meeting of the Village of Buffalo Grove
Village Board
Committee of the Whole
February 6, 2023 at 7:30 PM

Fifty Raupp Blvd
Buffalo Grove, IL 60089-2100
Phone: 847-459-2500

1. Call to Order

- A. Pledge of Allegiance

2. Special Business

- A. Proclamation Declaring the Week of February 1 – 7, 2023 as National Gun Violence Survivors Week (President Sussman) (Staff Contact: Evan Michel)
- B. Introduction of Communications Coordinator (Trustee Johnson) (Staff Contact: Molly Gillespie)
- C. Introduction of New Sergeant (Trustee Stein, Trustee Smith) (Staff Contact: Brian Budds)
- D. New Firefighter/Paramedic Badge Presentation (Trustee Pike) (Staff Contact: Mike Baker)
- E. Code Review Titles 12 & 13 (Trustee Weidenfeld) (Staff Contact: Brett Robinson)
- F. Comprehensive Plan Update and UDO Overview (Trustee Pike) (Staff Contact: Nicole Woods)

3. Public Comment

Public Comment is limited to items that are not on the regular agenda. In accordance with Section 2.02.070 of the Municipal Code, discussion on questions from the audience will be limited to 5 minutes and should be limited to concerns or comments regarding issues that are relevant to Village Board business. All members of the public addressing the Village Board shall maintain proper decorum and refrain from making disrespectful remarks or comments relating to individuals. Speakers shall use every attempt to not be repetitive of points that have been made by others. The Village Board may refer any matter of public comment to the Village Manager, Village staff or an appropriate agency for review.

4. Executive Session

- A. Executive Session - Section 2(C)(1) of the Illinois Open Meetings Act: the Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Specific Employees of the Public Body or Legal Counsel for the Public Body, Including Hearing Testimony on a Complaint Lodged Against an Employee of the Public Body or Against Legal Counsel for the Public Body to Determine Its Validity. (President Sussman) (Staff Contact: Dane Bragg)

5. Adjournment

The Village Board will make every effort to accommodate all items on the agenda by 10:30 p.m. The Board, does, however, reserve the right to defer consideration of matters to another meeting should the discussion run past 10:30 p.m.

The Village of Buffalo Grove, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the ADA Coordinator at 459-2525 to allow the Village to make reasonable accommodations for those persons.



Information Item : Proclamation Declaring the Week of February 1 – 7, 2023 as National Gun Violence Survivors Week

Recommendation of Action

Staff recommends proclamation.

The Village of Buffalo Grove declares the week of February 1 - 7, 2023 as National Gun Violence Survivors Week.

ATTACHMENTS:

- GV Week 2023 Proc (DOC)

Trustee Liaison
Sussman

Staff Contact
Evan C Michel, Office of the Village Manager

Monday, February 6, 2023



Village of Buffalo Grove

PROCLAMATION DECLARING THE WEEK OF FEBRUARY 1 – 7, 2023 AS NATIONAL GUN VIOLENCE SURVIVORS' WEEK

WHEREAS, every year, nearly 39,000 Americans are killed in acts of gun violence and nearly 85,000 more are shot and wounded; and

WHEREAS, by early February, more Americans are killed with guns than are killed in our peer countries in an entire calendar year; and

WHEREAS, a gun violence survivor is anyone who has personally experienced gun violence — whether you have witnessed an act of gun violence, been threatened or wounded with a gun or had someone you know and cared for wounded or killed; and

WHEREAS, forms of gun violence can include, but are not limited to gun suicides, gun homicides, domestic violence involving a gun and unintentional shootings; and

WHEREAS, firearms are the leading cause of death for children and teens; and

WHEREAS, by commemorating National Gun Violence Survivors Week, towns and cities across America will raise awareness about gun violence and honor the lives stolen by gun violence; and

WHEREAS, the Village of Buffalo Grove encourages all citizens to support efforts to prevent the tragic effects of gun violence and to honor and value human lives.

NOW, THEREFORE, BE IT RESOLVED that I, Beverly Sussman, President of the Village of Buffalo Grove, declare the week of February 1 – 7, 2023 as National Gun Violence Survivors' Week.

Passed this 6th day of February 2023

Beverly Sussman, Village President



Information Item : Introduction of Communications Coordinator

Recommendation of Action

Staff recommends presentation.

Director of Communications and Community Engagement, Molly Gillespie will be introducing the new Communications Coordinator, Timothy A. Kirsininkas.

Trustee Liaison

Johnson

Staff Contact

Molly Gillespie, Office of the Village Manager

Monday, February 6, 2023	
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Information Item : Introduction of New Sergeant

Recommendation of Action

Chief Brian Budds will introduce the Police Department's new Sergeant, Jaime Verduzco.

Trustee Liaison
Stein, Smith

Staff Contact
Brian Budds, Police

Monday, February 6, 2023



Information Item : New Firefighter/Paramedic Badge Presentation

Recommendation of Action

Staff recommends presentation.

John Gemmel will be presented with his Firefighter/Paramedic badge from the Buffalo Grove Fire Department.

Trustee Liaison

Pike

Staff Contact

Mike Baker, Fire

Monday, February 6, 2023	
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Information Item : Code Review Titles 12 & 13

Recommendation of Action

Staff recommends discussion.

Staff will provide an overview of the proposed changes to Titles 12 & 13 of the Buffalo Grove Municipal Code.

ATTACHMENTS:

- CR Title 12 Memo 2023 (DOCX)
- CR Title 13 Memo 2023 (DOCX)
- Title 12 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES - Final (PDF)
- Title 13 - WATER AND SEWERS - Final (PDF)
- Title 12 - Redline (PDF)
- Title 13 - Redline (PDF)

Trustee Liaison

Weidenfeld

Staff Contact

Brett Robinson, Finance

Monday, February 6, 2023

VILLAGE OF
BUFFALO GROVE



DATE: January 30, 2023

TO: Dane Bragg, Village Manager

FROM: Brett Robinson, Administrative Services Director
Jessie Brown, Administrative Services Manager

RE: Code Review Title 12

Background Information

Staff have completed the first pass through of the review process of Title 12. "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"

Overview of Changes to Title 12:

Global Changes

- Changed gender specific terms to gender neutral terms.
- Consistent with Title 1, where practical, fee/fine information was moved from this Title and moved to a new Appendix A. This move will allow for ease in locating and updating this information.

Chapter 12.06 Regulation of and Application for Small Wireless Facilities

Moved to 12.22.

Chapter 12.20 Trees Shrubs and other Plants

Enforcement language was added to sections where appropriate.

12.20.70 Maintenance Property Owner responsibility

This section was rewritten to provided better clarity surrounding trimming of vegetation around sidewalks and the removal of trees likely to fall.

Next Steps

Staff requests the Board contact Brett Robinson with any concerns regarding the proposed changes to this title.

Staff will begin a review of Title 9 "Public Peace and Welfare" in the near future. The review of Title 9 is expected to take about twelve weeks, at which time a redline version of the title and chapter of the code showing proposed changes will be brought back to the Village Board for review and comment. Once the entire code has been reviewed and presented to the board, staff will come before the Board with a final draft of the code for review and approval.

VILLAGE OF
BUFFALO GROVE



DATE: January 30, 2023

TO: Dane Bragg, Village Manager

FROM: Brett Robinson, Administrative Services Director
Jessie Brown, Administrative Services Manager

RE: Code Review Title 13

Background Information

Staff have completed the first pass through of the review process of Title 13. “Water and Sewers”

Overview of Changes to Title 13:

Global Changes

- Changed gender specific terms to gender neutral terms.
- Consistent with Title 1, where practical, fee/fine information was moved from this Title and moved to a new Appendix A. This move will allow for ease in locating and updating this information.

Definitions

Definitions were updated and expanded.

13.04.340 Chemicals

The Village has aligned the discharge limits with the requirements of the agency that treat the discharge.

13.04.350 Interception

Language surrounding the use and maintenance of grease traps has been updated and expanded.

13.05.070 Survey and Investigation

Language was added clarifying the test reporting for backflow prevention devices.

Next Steps

Staff requests the Board contact Brett Robinson with any concerns regarding the proposed changes to this title.

Staff will begin a review of Title 9 “Public Peace and Welfare” in the near future. The review of Title 9 is expected to take about twelve weeks, at which time a redline version of the title and chapter of the code showing proposed changes will be brought back to the Village Board for review and comment. Once the entire code has been reviewed and presented to the

board, staff will come before the Board with a final draft of the code for review and approval.

Title 12 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Chapter 12.04 - CONSTRUCTION AND USE OF PUBLIC WAYS

12.04.010 - Purpose and scope.

- A. Purpose. The purpose of this Chapter is to establish policies and procedures for constructing facilities on rights-of-way and use of rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.
- B. Intent. In enacting this Chapter, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities and others, by establishing uniform standards to address issues presented by utility facilities and the public including without limitation:
 - 1. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
 - 2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 - 3. Prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or public property;
 - 4. Protect against environmental damage, including damage to trees, from the installation of utility facilities;
 - 5. Protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
 - 6. Preserve the character of the neighborhoods in which facilities are installed;
 - 7. Preserve open space, particularly the tree-lined parkways that characterize the Village's residential neighborhoods;
 - 8. Prevent visual blight from the proliferation of facilities in the rights-of-way; and
 - 9. Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.
- C. Facilities Subject to this Chapter. This Chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this 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.
- D. Franchises, Licenses, or Similar Agreements. The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this Chapter.
- E. Effect of Franchises, Licenses, or Similar Agreements.

1. Utilities Other than Telecommunications Providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
 2. Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Chapter and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- F. Conflicts with Other Chapters. This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- G. Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Chapter, the utility shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or state laws or regulations.
- H. Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this 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.

12.04.020 - 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 Section 530.30, unless the context clearly requires otherwise.

"AASHTO" means American Association of State Highway and Transportation Officials.

"ANSI" means American National Standards Institute.

"Applicant" means a person applying for a permit under this Chapter.

"ASTM" means American Society for Testing and Materials.

"Backfill" means the methods or materials for replacing excavated material in a trench or pit.

"Bore" or "boring" means to excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable operator" means that term as defined in 47 U.S.C. 522(5).

"Cable service" means that term as defined in 47 U.S.C. 522(6).

"Cable system" means that term as defined in 47 U.S.C. 522(7).

"Carrier pipe" means the pipe enclosing the liquid, gas or slurry to be transported.

"Casing" means a structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"Clear zone" means 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" means protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Code" means the Municipal Code of the Village of Buffalo Grove.

"Conductor" means wire carrying electrical current.

"Conduit" means a casing or encasement for wires or cables.

"Construction" or "construct" means the installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover" means the depth of earth or backfill over buried utility pipe or conductor.

"Crossing facility" means a facility that crosses one or more right-of-way lines of a right-of-way.

"Director of Public Works" means the Village Director of Public Works or his/her designee.

"Disrupt the right-of-way," for the purposes of this Chapter, means any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Emergency" means 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" means provision of a protective casing.

"Engineer" means the Village Engineer or his/her designee.

"Equipment" means materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation" means the making of a hole or cavity by removing material, or laying bare by digging.

"Extra heavy pipe" means pipe meeting ASTM standards for this pipe designation.

"Facility" means all structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Chapter. For purposes of this Chapter, the term "facility" shall not include any facility owned or operated by the Village.

"Freestanding facility" means a facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage road" means roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

"Hazardous materials" means any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Engineer 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" means a specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Highway Code" means the Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

"Holder" means a person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"ICC" means Illinois Commerce Commission.

"IDOT" means Illinois Department of Transportation.

"Jacking" means pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting" means pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint use" means the use of pole lines, trenches or other facilities by two or more utilities.

"J.U.L.I.E." means the joint utility locating information for excavators utility notification program.

"Major intersection" means the intersection of two or more major arterial highways.

"Occupancy" means the presence of facilities on, over or under right-of-way.

"Parallel facility" means a facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway" means any portion of the right-of-way not improved by street or sidewalk.

"Pavement cut" means the removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee" means that entity to which a permit has been issued pursuant to Sections 12.04.040 and 12.04.050 of this Chapter.

"Petroleum products pipelines" means pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Practicable" means that which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure" means the internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Prompt" means that which is done within a period of time specified by the Village. If no time period is specified, the period shall be thirty days.

"Public entity" means a legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Restoration" means the repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-way" or "rights-of-way" means any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-way" or "rights-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" means that part of the highway that includes the pavement and shoulders.

"Sale of telecommunications at retail" means 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" means that amount of security required pursuant to Section 12.04.100.

"Shoulder" means 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" means 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, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. Section 76.1500 and following), as now or hereafter amended.

"Telecommunications provider" means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications retailer" means and includes every person engaged in making sales of telecommunications at retail as defined herein.

"Trench" means a relatively narrow open excavation for the installation of an underground facility.

"Utility" means the individual or entity owning or operating any facility as defined in this Chapter.

"Vent" means a pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Video service" means that term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

"Village" means the Village of Buffalo Grove, Illinois.

"Water lines" means pipelines carrying raw or potable water.

"Wet boring" means boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

12.04.030 - Annual registration required.

Every utility that occupies right-of-way within the Village shall register on January 1st of each year with the Engineer, 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 twenty-four-hour telephone number for each such person, and evidence of insurance as required in Section 12.04.080 of this Chapter, in the form of a certificate of insurance.

12.04.040 - 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 Engineer 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 it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.
- C. Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:
 1. The utility's name and address and telephone and telecopy numbers;
 2. The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;
 3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;

4. A 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:
 - a. A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - b. An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the Village finds that additional information or assurances are needed;
 6. Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
 7. Evidence of insurance as required in Section 12.04.080 of this Chapter;
 8. Evidence of posting of the security fund as required in Section 12.04.100 of this Chapter;
 9. Any request for a variance from one or more provisions of this Chapter (See Section 12.04.210); 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 the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
 2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
 3. In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
 4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Metropolitan Water Reclamation District and any other local or state entities with jurisdiction, have been satisfied; or
 5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

- E. Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty 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 as set forth in Appendix A. of this Code. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

12.04.050 - Action on permit applications.

- A. Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Village Engineer within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Village Engineer shall reject such application in writing, stating the reasons therefor. If the Village Engineer is satisfied that the proposed work conforms to the requirements of this Chapter and applicable ordinances, codes, laws, rules, and regulations, the Village Engineer shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Village Engineer, that the construction proposed under the application shall be in full compliance with the requirements of this Chapter.
- B. Additional Village Review of Applications of Telecommunications Retailers.
 - 1. Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this Chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than ten days prior to the commencement of work requiring no excavation and not less than thirty days prior to the commencement of work requiring excavation. The Village Engineer 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 Engineer fails to provide such specification of location to the telecommunications retailer within either: (a) ten days after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction; or (b) twenty-five days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Chapter.
 - 3. Upon the provision of such specification by the Village, where a permit is required for work pursuant to Section 12.04.040 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.
- C. Additional Village Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a state-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five days after submission to the Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

12.04.060 - 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 rights-of-way.
- B. **Duration.** No permit issued under this Chapter shall be valid for a period longer than six months unless construction is actually begun within that period and is thereafter diligently pursued to completion.
- C. **Pre-Construction Meeting Required.** No construction shall begin pursuant to a permit issued under this Chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.
- D. **Compliance with All Laws Required.** The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.
- E. **Notice Before Commencement of Construction.** A minimum of twenty-four hours prior written notice must be given to the Village Engineer before any work shall begin pursuant to a permit issued under this Chapter.
- F. **Copy of Permit at Site Location.** A copy of the issued permit shall be kept at the work site at all times.

12.04.070 - 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 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 Section 12.04.210 of this Chapter. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

12.04.080 - 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 subsection (A)(1) and (A)(2) of this section:
 1. **Commercial general liability insurance,** including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:

- a. Five million dollars for bodily injury or death to each person,
 - b. Five million dollars for property damage resulting from any one accident, and
 - c. Five million dollars 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 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 per employee and per accident.

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

- B. Excess or Umbrella Policies. The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.
- C. Copies Required. The utility shall provide copies of any of the policies required by this section to the Village within ten 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 Manager of such intent to cancel or not to renew."

Within ten days after receipt by the Village of said notice, and in no event later than ten 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 of this section, or the requirements of subsections B through D of this section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection A of this section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.
- F. Effect of Insurance and Self-Insurance on Utility's Liability. The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.
- G. Insurance Companies. All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.

12.04.090 - 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.

12.04.100 - 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 nonperformance by permittee in violation of this Chapter including, without limitation, any damage to public property or restoration work the permittee is required by this Chapter to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Chapter or any other applicable law.
- 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 Engineer, 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 Engineer 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 for any single phase.

- D. Withdrawals. The Village, upon fourteen 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-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 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.

12.04.110 - 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. Noncompliance with this Chapter;
 3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
 4. Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.
- B. Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section.
- 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 working days after receipt of the written notice of revocation; or
 3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten days after receipt of the written notice of revocation.

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

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

12.04.120 - Change of ownership or owner's identity or legal status.

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

- C. Insurance and Bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

12.04.130 - 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 following IDOT publications, as amended from time to time:
 1. Standard Specifications for Road and Bridge Construction;
 2. Supplemental Specifications and Recurring Special Provisions;
 3. Highway Design Manual;
 4. Highway Standards Manual;
 5. Standard Specifications for Traffic Control Items;
 6. Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code Section 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.

12.04.140 - Traffic control.

- A. Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.
- B. Warning Signs. Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.
- C. Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
- D. Notice When Access is Blocked. At least forty-eight 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 12.04.200 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.

12.04.150 - Location of facilities.

- A. General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

1. No Interference with Village Facilities. No utility facilities shall be placed in any location if the Village Engineer determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
 2. Minimum Interference and Impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
 3. No Interference with Travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
 4. No Limitations on Visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
 5. Size of Utility Facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
- B. Parallel Facilities Located Within Highways.
1. Overhead Parallel Facilities. An overhead parallel facility may be located within the right-of-way lines of a highway only if:
 - a. 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;
 - b. 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;
 - c. 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;
 - d. No pole is located in the ditch line of a highway; and
 - e. Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.
 2. Underground Parallel Facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:
 - a. The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 m) from and parallel to the right-of-way line;
 - b. A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - c. In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (one and one-half m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.
- C. Facilities Crossing Highways.

1. No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
 2. Cattle Passes, Culverts, or Drainage Facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
 3. Ninety Degree Crossing Required. Crossing facilities shall cross at or as near to a ninety degree angle to the centerline as practicable.
 4. Overhead Power or Communication Facility. An overhead power or communication facility may cross a highway only if:
 - a. It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication lines" (83 Ill. Adm. Code 305);
 - b. Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
 - c. Overhead crossings at major intersections are avoided.
 5. Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:
 - a. The design materials and construction methods will provide maximum maintenance-free service life; and
 - b. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
 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. Section 192.707 (1989)).
- D. Facilities to be Located Within Particular Rights-of-Way. The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.
- E. Freestanding Facilities.
1. The Village may restrict the location and size of any freestanding facility located within a right-of-way.
 2. The Village may require any freestanding facility located within a right-of-way to be screened from view.
- F. Facilities Installed Above Ground. Above ground facilities may be installed only if:
1. No other existing facilities in the area are located underground;
 2. New underground installation is not technically feasible; and
 3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable.

Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

G. Facility Attachments to Bridges or Roadway Structures.

1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - a. The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - b. The type, length, value, and relative importance of the highway structure in the transportation system;
 - c. The alternative routings available to the utility and their comparative practicability;
 - d. The proposed method of attachment;
 - e. The ability of the structure to bear the increased load of the proposed facility;
 - f. The degree of interference with bridge maintenance and painting;
 - g. The effect on the visual quality of the structure; and
 - h. The public benefit expected from the utility service as compared to the risk involved.

H. Appearance Standards.

1. The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

12.04.160 - Construction methods and materials.

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

1. Boring or Jacking.
 - a. Pits and Shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Engineer from the edge of the pavement. Pits for boring or jacking shall be excavated no more than forty-eight hours in advance of boring or jacking operations and backfilled within forty-eight hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and

- maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- b. Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.
 - c. Borings with Diameters Greater than Six 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 (twenty-five mm).
 - d. Borings with Diameters Six Inches or Less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
 - e. Tree Preservation. Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be bored under or around the root system.
2. Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction."
 - a. 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.
 - b. Open Trench and Excavated Material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
 - c. Drip Line of Trees. The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
 3. Backfilling.
 - a. Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
 - b. For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Engineer, 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 Engineer.
 4. Pavement Cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection is permitted under Section 12.04.210, the following requirements shall apply:
 - a. Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Engineer.

- b. Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
 - c. All saw cuts shall be full depth.
 - d. For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.
5. Encasement.
- a. Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.
 - b. The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
 - c. In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.
 - d. In the case of gas pipelines of sixty psig or less, encasement may be eliminated.
 - e. In the case of gas pipelines or petroleum products pipelines with installations of more than sixty psig, encasement may be eliminated only if: (i) extra heavy pipe is used that precludes future maintenance or repair; and (ii) cathodic protection of the pipe is provided.
 - f. If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
6. Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric lines	30 inches (0.8 m)
Communication, cable or video service lines	18 to 24 inches (0.6 m, as determined by Village)
Gas or petroleum products	30 inches (0.8 m)
Water line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

B. Standards and Requirements for Particular Types of Facilities.

1. Electric Power or Communication Lines.
 - a. Code Compliance. Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines," and the National Electrical Safety Code.
 - b. 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.
 - c. Underground Facilities. (i) 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. (ii) 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. (iii) Cable shall be grounded in accordance with the National Electrical Safety Code.
 - d. Burial of Drops. All temporary service drops placed between November 1st of the prior year and March 15th of the current year, also known as snowdrops, shall be buried by May 31st of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten business days after placement.
2. Underground Facilities Other than Electric Power or Communication Lines. Underground facilities other than electric power or communication lines may be installed by:
 - a. The use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;
 - b. Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - c. Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - d. Tunneling with vented encasement, but only if installation is not possible by other means.
3. Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 — Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR Section 192), IDOT's "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.
4. Petroleum Products Pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

5. Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."
 6. Ground Mounted Appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (three hundred five 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 Engineer. With the approval of the Engineer, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.
- C. Materials.
1. General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standards Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
 2. Material Storage on Right-of-Way. No material shall be stored on the right-of-way without the prior written approval of the Village Engineer. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.
 3. Hazardous Materials. The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.
- D. Operational Restrictions.
1. Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
 2. These restrictions may be waived by the Village Engineer 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 9.38 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 forty-eight hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.).

12.04.170 - Vegetation control.

- A. Electric Utilities — Compliance with State Laws and Regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village as permitted by law.
- B. Other Utilities — Tree Trimming Permit Required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this 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.
- C. Specimen Trees or Trees of Special Significance. The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.
- D. Chemical Use.
 - 1. Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.
 - 2. Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Engineer that such spraying is the only practicable method of vegetation control.

12.04.180 - Removal, relocation, or modifications of utility facilities.

- A. Notice. Within ninety days following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.
- B. Removal of Unauthorized Facilities. Within thirty days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances

from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
 2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
 3. If the facility was constructed or installed without prior issuance of a required permit in violation of this Chapter; or
 4. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.
- C. **Emergency Removal or Relocation of Facilities.** The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.
- D. **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within ninety 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 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.

12.04.190 - Clean-up and restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the 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. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the Village Engineer for good cause shown.

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

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

12.04.210 - 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 Engineer 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 Engineer 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 Engineer 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 Engineer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Chapter but which carry out the purposes of this Chapter.
- E. Right to Appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Village Engineer under the provisions of this Chapter shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within thirty days after the date of such order, requirement, decision or determination. The Village Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The Village Board shall timely decide the appeal.

12.04.220 - Unlawful acts designated.

It is unlawful:

- A. To deposit, throw, or place upon any public sidewalk, street, alley, parkway or public place any waste, garbage, ashes, cinders, barrels, combustibles or any other article which might obstruct or interfere with the use of the street, or which might cause injury to person, vehicles, animals or property;

- B. To cause, create, construct, build, replace or maintain any brick or stone mailbox, structure, or obstruction of any street, alley, road, sidewalk, parkway, right-of-way, fire hydrant or public way except as may be authorized by the Village.

12.04.230 - Penalties.

Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Chapter shall be subject to fines in accordance with the penalty provisions of Chapter 1.08, General Penalty. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

12.04.240 - 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.

12.04.250 - 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.

Chapter 12.08 - CONSTRUCTION AND MAINTENANCE—DRIVEWAY APRONS, SERVICE WALKS, CARRIAGE WALKS AND OTHER APPURTANCES

12.08.010 - Definitions.

- A. A "driveway apron" as set forth in this Chapter, is that portion of any driveway providing ingress and egress to private property from the sidewalk, if any, to the street. If there is no sidewalk, the ingress and egress will be from any lot or property line to the street.
- B. A "service walk" is that part of any sidewalk providing access to private property from the sidewalk, if any, to the street.
- C. A "carriage walk" is a strip of walk located immediately behind the curb generally between the driveway apron and the service walk. Carriage walks may not be greater than eighteen inches in width.

12.08.020 - Construction work—Permit—Required.

No person shall alter, construct, build or establish any driveway, driveway apron, service walk, carriage walk or other appurtenance over, across, or upon any public sidewalk or public way without securing a permit for such purpose issued by the Village. Application for such permit shall be made to the Village and shall be subject to the requirements set forth in Section 12.04.100 with respect to bonds and deposits. Any driveway, driveway apron, service walk, carriage walk, or other appurtenance shall meet the requirements of Title 16.

12.08.030 - Construction work—Permit fee.

Before any driveway apron, service walk, carriage walk or other appurtenance permit is issued, there shall be paid to the Village a permit fee as set forth in Appendix A of this Code. No permit fee shall be charged where applicant has obtained a building permit for new construction.

12.08.040 - Maintenance.

- A. Every person maintaining any driveway apron, service walk, or carriage walk in the Village shall keep the same in good condition and repair.
- B. If a concrete brick paver apron is removed by the Village in the course of repairs or maintenance to the public street or utilities, the owner of the property shall replace said paver apron within ten days of notification by the Village that the street or utility work is complete. If said paver replacement is not performed by the owner of the property within said ten-day period, the Village may exercise its right to install a concrete apron pursuant to the standards of the Village Development Ordinance.

12.08.050 - Violation—Penalty.

In addition to the other remedies set forth in this Chapter, any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08.

Chapter 12.09 - PARKWAY MAINTENANCE RESPONSIBILITIES OF ABUTTING PROPERTY OWNERS

12.09.010 - Parkway maintenance responsibilities of abutting property owners.

Any property owner or tenant currently using the Village parkway or whose property may in the future benefit from the use of a portion of a Village parkway for access to that property shall maintain all parkway that is adjacent to that property. This maintenance obligation shall confer no rights on the property owner or tenant except that any third party shall be liable either in law, equity or as a trespass violation to the owner or tenant and the Village for any unpermitted use of such adjacent parkway. Nothing in this section shall be construed to compromise, in any manner, the absolute right of the Village to use any Village parkway as it deems advisable with or without notice to the adjacent property owner or tenant.

- A. All driveways, service walks, carriage walks and other appurtenances within public rights of way shall be kept in good repair by the owners or occupants of the abutting property. Any repair work, whether done by the Village or by the abutting owner, shall be under the supervision of the Village Engineer.
- B. The owner of private property abutting a public street shall be responsible for maintaining the frontage parkway free of growing weeds and other obnoxious and unsightly vegetation which detracts from the beauty and cleanliness of the immediate neighborhood. When such parkway has been improved to a lawn status, the property owner shall periodically mow and keep same free of rubbish and debris of all kind consistent with Village standards, and shall remove any obstacle or obstruction to the flow of water on the parkway.
- C. The owner of private property abutting a public street shall be responsible for maintaining the drainage pipe (culvert) under the driveway apron and service walk. If a drainage swale exists, the owner shall be responsible for maintaining the swale in such a way so as not to alter or impede the flow of water. It shall be considered unlawful to enclose the drainage swale in pipe or otherwise fill in the swale with soils or other materials without a permit being issued by the Village Engineer.
- D. The owner of private property which abuts upon a paved public sidewalk shall be responsible for keeping same clear of all debris and obstructions.
- E. In the event the owners of private property are not also the occupants, the responsibilities set forth in this section shall apply with equal force and effect to the tenants or those in actual possession or control of the private property.

- F. Lawn irrigation systems may be allowed in the parkway and their installation must be permitted through the Public Works Department. The Village reserves the right to remove sprinkler systems from the right of way if deemed an obstruction by the Village. Any damage that is caused by Village utility or street operations to any irrigation system shall be repaired at the property owner's expense.
- G. Mailboxes shall be kept in a well-maintained functioning condition, upright and well secured, or otherwise kept in good repair by the owners or occupants of the adjacent private property.
- H. This section is enacted solely for the purpose of promoting the preservation of proper drainage over and the attractive appearance of public rights of way in the Village, including parkways and public sidewalks. This section creates no duty on the part of any property owner in the Village running to any party other than the Village, and this section does not create any right of action for the benefit of any private party against any property owner in the Village or against the Village based on the failure of a property owner in the Village to fulfill any obligation to the Village imposed by this section.
- I. If Village utility or street operations cause damage to a public right of way, the Village shall repair the right of way according to Village standards. Unless specific permitting has been issued, the Village reserves the right to remove sprinkler systems and other obstructions from the right of way if deemed an obstruction by the Village. If damage is caused by Village utility or street operations to any unusual driveway materials, such as stamped or colored concrete or asphalt or specialty material pavers, located within the public right of way, the driveway shall be repaired by the owner at the driveway owner's expense with the understanding that the Village may reimburse the owner for the normal cost of concrete as determined by the Village. If damage is caused by Village utility or street operations to a property owner's improvements, such as sprinkler systems, fencing, electric fencing, landscaping, boulders, or other material, which are located within the public right of way, the property owner is responsible for the repair or replacement of such improvements at its expense.

12.09.020 - Violation—Penalty.

In addition to the other remedies set forth in this Chapter, any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08.

Chapter 12.20 - TREES, SHRUBS, AND OTHER PLANTS

12.20.010 - Definitions.

For the purposes of this Chapter, the following definitions apply:

- A. "Municipal property" means all property owned by or under the control or jurisdiction of the Village.
- B. "Public highway" means all land lying between the sidewalks, all alleys and all roadways including adjacent municipal property.
- C. "Trees" include shrubs which grow higher than ten feet.

12.20.020 - Interference with Village personnel prohibited.

No person shall hinder, prevent or interfere with the agents, servants or employees of the Village while engaged in carrying out the provisions of this Chapter.

12.20.030 - Authority to plant.

The Village shall have the authority to install, plant, maintain, control, and remove all trees, shrubs, and other plantings located in any public right of way or on any property owned or maintained by the Village.

Maintenance of the Village's trees, shrubs, natural areas, and landscaping is the general responsibility of the Public Works Department and the Director of Public Works or designee. The Director of Public Works shall appoint a Forestry and Grounds Manager. The Forestry and Grounds Manager shall have the authority to interpret and enforce the provisions of this article. The Director of Public Works or designee may serve notice to any person in violation of the provisions of this code or initiate legal proceedings as may be necessary. The Forestry and Grounds Manager has the authority to revise and maintain the Village's Urban Forestry Management Plan. Any person who fails to comply with any of the provisions of this section within ten days after notice from the Director of Public Works or designee shall be subject to the penalties provided in Section 12.20.140.

12.20.040 - Planting and maintenance—Generally.

No person shall prune, cut, molest, break, deface, destroy, spray, repair or do surgery work on any tree or part thereof or in any manner interfere with, disturb or injure any tree, shrub or plant upon a public highway or municipal property; nor shall any chemical be used for the control of insects or any disease or for any other reason; nor shall any person permit any chemical to seep, drain or be emptied on any tree, shrub or plant now planted or to be planted in a public highway or on municipal property without first obtaining a permit from the Director of Public Works. Any person who fails to comply with any of the provisions of this section within ten days after notice from the Director of Public Works or designee shall be subject to the penalties provided in Section 12.20.140.

12.20.050 - Attaching animals, advertisements, anchorage devices.

No person shall hitch any animal to a tree, plant or shrub that is now or may hereafter be growing in any public highway or on any municipal property, nor fasten to for the purpose of anchorage, any wires or lights, rope, chain or cable, nor shall any person nail, tie or in any other manner fasten any card, sign, poster, board or any other article to any tree, shrub or plant that is now or may hereafter be growing in any public highway, rights-of-way, or on any municipal property. Any person who fails to comply with any of the provisions of this section within ten days after notice from the Director of Public Works or designee shall be subject to the penalties provided in Section 12.20.140.

12.20.060 - Excavations.

No person shall excavate any ditch, tunnel, or trench within a radius of ten feet from any tree, shrub or plant that is now or may hereafter be growing in any public highway or in any municipal property without first obtaining a permit from the Director of Public Works.

12.20.070 - Maintenance—Property owner responsibility.

A. Any tree or shrub growing on private property 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, cut, or removed by the owner of the premises on which such tree or shrub grows so as to remove the obstruction.

Shrubs or vegetation shall be kept entirely clear of sidewalks. Tree limbs shall not project over the sidewalk at a height of less than eight feet (8') above the sidewalk or twenty feet (20') above the street pavement. Owners of vegetation not maintained in the above manner shall be required to correct the violation within thirty (30) days of being served by the Village with a notice to do so. If the violation is

not corrected within thirty (30) days, the Village reserves the right to cause the vegetation to be pruned or removed and to bill the owner for the cost of such work.

B. Any tree or portion of a tree growing on private property which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands. Owners of trees or vegetation not maintained in the above manner shall be required to correct the violation within thirty (30) days of service of such notification from the director of public works. If the violation is not corrected within thirty (30) days, the village reserves the right to cause the tree to be pruned or removed and to bill the property owner for the cost of such work.

If the risk of personal injury or property damage due to a dangerous tree is imminent, the Village reserves the right to act immediately to alleviate the hazard and notify and bill the property owner thereafter.

Any person who fails to comply with any of the provisions of this section within ten days after notice from the Director of Public Works or designee shall be subject to the penalties provided in Section 12.20.140.

12.20.080 - Visual obstruction of intersection.

Notwithstanding the provisions of Section 12.20.070 and in addition thereto, every owner or person in control of any tree, shrub, or plant growing on private property shall trim the same in order that they shall not obstruct the view of motorists, cyclists and/or pedestrians at street intersections. Specifically, such trees, shrubs or plants shall in every case conform to the following restrictions: within a radius of twenty feet from the corner point of the lot nearest the street intersection, no planted vegetation shall exceed the height of thirty-six inches above the top of the curbs, except for trees, in which case the lowest limb must be at least five feet above the top of the curb or three feet above the top of corner-planted shrubs, whichever is higher. This section shall not apply to trees with a diameter at one foot above ground level of three inches or less; provided, that not more than two such trees exist in the regulated corner area.

Any person who fails to comply with the provisions of this section within ten days after written notice from the Director of Public Works or designee shall be subject to the penalties provided in this Chapter.

12.20.090 - Infected trees declared a nuisance.

All species and varieties of elm tree (trees of genus *Ulmus*) infected with the fungus known as the Dutch elm disease (*Certostomella ulmi*) as determined by laboratory analysis and emerald ash borer-infested ash trees (*Fraxinus* spp) as determined by the Department of Public Works Division of Forestry are declared a public nuisance.

12.20.091 - Certain dead trees declared a nuisance.

All species and varieties of elm trees that are dead or substantially dead, and all dead elmwood to which the bark is still attached, which because of its condition, may serve as a breeding place for the European elm bark beetle (*Scolytus multistriatus*) and the native elm bark beetle (*Hylurgopinus rufipes*) and emerald ash borer (*Agrilus planipennis* Fairmaire)-infested ash trees as determined by the Department of Public Works Division of Forestry are declared to be public nuisances.

12.20.092 - Disposition of trees.

A. It is unlawful for any owner of any lot or parcel of land in the Village to permit or maintain on any lot or parcel of land, any elm tree or dead elmwood or ash tree or ashwood which, as provided in Sections 12.20.090 and 12.20.091 is declared a public nuisance, and it shall be the duty of any owner

promptly to remove and dispose of any elm tree or dead elmwood within ten days following notification of the discovery of such trees or wood.

- B. It shall be the duty of any owner and/or for any landscape contractor, promptly to remove and dispose of any ash tree or ashwood within ten days following notification of the discovery of such trees or wood. It is unlawful for such owner or landscape contractor to remove from any lot or parcel of land such trees or wood unless: (1) the trees or wood have been chipped or processed to a size measuring less than one inch in two dimensions; (2) the bark and outer one-half inch of sapwood has been removed; or (3) the trees or wood are moved to a certified processing site, as certified by the Director of the Illinois Department of Agriculture, by a landscape contractor who shall have in his/her possession a fully executed, certified copy of the Illinois Department of Agriculture's Emerald Ash Borer Quarantine Zone Compliance Agreement. It is also unlawful to remove and transport any such trees or wood between May 1st and August 31st or at any other time so designated by the Illinois Department of Agriculture. Whenever any ash tree is removed from any lot or parcel of land in the Village, the owner of such lot shall cause the ash stump to be ground to eight inches below the soil surface and covered with soil.

12.20.093 - Right to enter premises and inspect trees.

In order to carry out the purposes of Sections 12.20.090 through 12.20.092, and to implement its enforcement, the Village's Director of Public Works or designee, is authorized and empowered to enter upon any lot or parcel of land in the Village at all reasonable hours for the purpose of inspecting any elm trees, ash trees, dead elmwood or ashwood situated thereon and may remove specimens from any trees as are required for the purpose of laboratory analysis referred to in Section 12.20.090, or to determine whether the trees, because they are dead or substantially dead, may serve as a breeding place for the European elm bark beetle, the native elm bark beetle or the emerald ash borer. It is unlawful for any person to take any action to prevent the Director of Public Works or designee from entering on any lot or parcel of land in the Village for the purpose of the inspection, or to interfere with the Director of Public Works or designee in the performance of any of the duties provided for under provisions of Sections 12.20.090, 12.20.091 or 12.20.092.

12.20.094 - Notice to owner of infected elm/elmwood or ash/ashwood to comply.

- A. If, upon analysis of specimens removed from any elm or ash tree by the Village's Director of Public Works or designee, it is determined that the tree is a public nuisance as provided in Section 12.20.090, or if the Director of Public Works or designee determines that any dead, or substantially dead, elm tree, ash tree, dead elmwood or dead ashwood, is a public nuisance as provided in Section 12.20.091, the Director of Public Works or designee shall serve or cause to be served on the owner of the lot or parcel of land on which the tree or dead elmwood or dead ashwood is located, a written notice requiring the owner to comply with the provisions herein. If the person upon whom the notice is served fails, neglects or refuses to remove and destroy the elm tree, ash tree, dead elmwood or dead ashwood within thirty days after service of the notice, the Village may proceed to remove and destroy the tree, dead elmwood or ashwood.
- B. If the Village removes any tree which is a public nuisance as provided by Section 12.20.090 or 12.20.091, the assessment of the cost of the work done by the Village against the owner of the lot or parcel of land involved shall be in addition to any penalties imposed in this Code for any violation or noncompliance with any provisions of this Code. Additionally, the Village may place a lien upon such property for such costs incurred in the manner provided by law.

12.20.095 - Service of notice.

Service of notice shall be by personal service or certified mail, addressed to the owner at his/her last known address.

12.20.100 - Insects declared a nuisance.

Gypsy moths (*Porthetria dispar*) and eastern tent caterpillar (*Malacosoma americana*) are declared to be a public nuisance. It is unlawful for any owner of any lot or parcel of land in the Village to permit an infestation of egg masses of gypsy moth or eastern tent caterpillar to remain as a nuisance. It shall be the duty of any owner to promptly and properly remove and destroy any and all insect nuisance. Additionally, any property that may be considered as having transported gypsy moth egg masses such as camping equipment and vehicles from a gypsy moth quarantine area are subject to being inspected.

12.20.101 - Right to enter premises and inspect trees.

In order to carry out the purpose of Section 12.10.100 and to implement its enforcement, the Village's Director of Public Works or designee, is authorized and empowered to enter upon any lot or parcel of land in the Village at all reasonable hours for the purpose of determining the presence of gypsy moth and eastern tent caterpillar insects or egg masses. It is unlawful for any person to take any action to prevent the Director of Public Works or designee from entering on any lot or parcel of land in the Village for the purpose of the inspection, or to interfere with the Director of Public Works or designee in the performance of any of the duties provided for under provisions of Section 12.20.100.

12.20.102 - Notice to owner of insect infected trees to comply.

If it is determined that gypsy moth or eastern tent caterpillar insects or egg masses have infected trees, the Director of Public Works or designee shall serve or cause to be served on the owner of the lot or parcel of land on which the nuisance exists, a written notice requiring the owner to comply with the provisions Section 12.10.100. If the person upon whom the notice is served fails, neglects or refuses to remove and destroy the insect nuisances within thirty days after notice, the Director of Public Works or designee, may proceed to have the nuisances removed and destroyed. The cost of the removal shall be assessed against the property owner and shall be paid by the owner to the Village as set forth in Section 12.20.094. Notice shall be served in accordance with Section 12.20.095.

12.20.103 - Insect infected trees belonging to Village.

All insect nuisances found in trees on property owned by the Village may promptly be removed at the Village's expense.

12.20.110 - Planting, removal.

It is unlawful for any person to plant any tree, shrub or plant upon any public highway or municipal property until he has secured a written permit from the Director of Public Works or designee. The application for such permit shall designate the location, species and approximate size of the tree, plant or shrub to be planted and the method proposed to be followed. It shall be the duty of the Director of Public Works or designee to remove or cause to be removed all trees, shrubs or plants planted in a public highway or municipal property when such removal is beneficial to the peace, health or safety of the public or where such tree, shrub or plant is detrimental to the growth of adjacent trees, shrubs or plants.

12.20.120 - Removal of public nuisances.

The Director of Public Works or representative shall give to the owner of the premises where a nuisance as described in this Chapter is found a written notice of the existence of such nuisance which may require the removal of such nuisance within ten days following the notice, such removal to be done under the direction of the Director of Public Works or representative. The notice may further state that

unless the nuisance is removed in compliance with the terms thereof within said ten-day period, the Director of Public Works may proceed to remove the same and assess the cost thereof against the property owner. Service of the notice may be by personal service or by registered mail to the property address. In the event the owner does not live on the premises, notice may be sent by ordinary mail to the last known address of the owner.

12.20.130 - Enforcement.

The Director of Public Works or designee is charged with the enforcement of this Chapter, and to that end may enter upon private property at all reasonable hours for the purpose of inspecting trees, shrubs and plants. The Director of Public Works may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected.

12.20.140 - Violation—Penalty.

In addition to the other remedies set forth in this Chapter, any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08.

Chapter 12.22 - REGULATION OF AND APPLICATION FOR SMALL WIRELESS FACILITIES

12.22.010 - Purpose and Scope.

- A. Purpose. The purpose of this Chapter is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, in a manner that is consistent the Act.
- B. Conflicts with Other Ordinances. This Chapter supersedes all Ordinances or parts of Ordinances adopted prior hereto, including, but not by way of limitation, Chapter 12.04 (Construction and Use of Public Ways) and Chapter 17.34 (Telecommunication Facilities) that are in conflict herewith, to the extent of such conflict.
- C. 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 wireless provider shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or State laws or regulations.

12.22.020 - Definitions.

- A. For purposes of this Ordinance, the following terms shall have the following meanings:
 - 1. "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.
 - 2. "Applicable codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.
 - 3. "Applicant" means any person who submits an application and is a wireless provider.
 - 4. "Application" means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.
 - 5. "Collocate" or "collocation" means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.
 - 6. "Communications service" means cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service,

as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

7. "Communications service provider" means a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.
8. "FCC" means the Federal Communications Commission of the United States.
9. "Fee" means a one-time charge.
10. "Historic district" or "historic landmark" means a building, property, or site, or group of buildings, properties, or sites that are either:
 - (i) Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or
 - (ii) Designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.
11. "Law" means a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.
12. "Micro wireless facility" means a small wireless facility that is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, no longer than eleven inches.
13. "Municipal utility pole" means a utility pole owned or operated by the Village in public rights-of-way.
14. "Permit" means a written authorization required by the Village to perform an action or initiate, continue, or complete a project.
15. "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.
16. "Public safety agency" means the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.
17. "Rate" means a recurring charge.
18. "Right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.
19. "Small wireless facility" means a wireless facility that meets both of the following qualifications:

- (i) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and
- (ii) All other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five cubic feet in volume.

The following types of associated ancillary equipment are not included in the calculation of equipment volume: Electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

- 20. "Utility pole" means a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.
 - 21. "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:
 - (i) Equipment associated with wireless communications; and
 - (ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. "Wireless facility" does not include the structure or improvements on, under, or within which the equipment is collocated; or wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.
 - 22. "Wireless infrastructure provider" means any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.
 - 23. "Wireless provider" means a wireless infrastructure provider or a wireless services provider.
 - 24. "Wireless services" means any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.
 - 25. "Wireless services provider" means a person who provides wireless services.
 - 26. "Wireless support structure" means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.
- 12.22.030 - Small Wireless Facilities.
- A. Permitted Use. Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in Section C.9. regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated:
 - 1. In rights-of-way in any zoning district, or

2. Outside rights-of-way in property zoned exclusively B1, B2, B3, B4, B5, and I Zoning Districts of the Village.
- B. Permit Required. An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:
1. Application Requirements. A wireless provider shall provide the following information to the Village, together with the Village's Small Wireless Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:
 - a. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
 - b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
 - c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
 - d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
 - e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved;
 - f. Emergency contact information of the application and installation contractor which shall include at a minimum a cellular phone number, email address and mailing address; and
 - g. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.
 - h. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.
 2. Application Process. The Village shall process applications as follows:
 - a. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.
 - b. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within ninety days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed

approved remedy no sooner than seventy-five days after the submission of a completed application.

The permit shall be deemed approved on the latter of the ninetieth day after submission of the complete application or the tenth day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Chapter.

- c. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the Village fails to approve or deny the application within one hundred twenty days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than one hundred five days after the submission of a completed application.

The permit shall be deemed approved on the latter of the one hundred twentieth day after submission of the complete application or the tenth day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided within this Chapter.

- d. The Village shall deny an application that does not meet the requirements of this Chapter.

If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within thirty days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application within thirty days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within thirty days of denial shall require the applicant to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

- e. Pole Attachment Agreement. Within thirty days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter in a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the applicant. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter in a License Supplement of the Master Pole Attachment Agreement. The Village Manager, or his designee, is hereby authorized to enter into such an Agreement and License on behalf of the Village.

- 3. Completeness of Application. Within thirty days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within thirty days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the application provided the missing information.

- 4. Tolling. The time period for applications may be further tolled by:
 - a. An express written agreement by both the applicant and the Village; or
 - b. A local, State or federal disaster declaration or similar emergency that causes the delay.
- 5. Consolidated Applications. An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to twenty-five small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

- 6. Duration of Permits. The duration of a permit shall be for a period of not less than five years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Chapter.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal.

- 7. Means of Submitting Applications. Applicants shall submit applications, supporting information, and notices to the Village by personal delivery to the Village's Engineering Department, by regular mail postmarked on the date due or by another other commonly used means, including electronic mail or by another method as otherwise required by the Village.

C. Collocation Requirements and Conditions.

- 1. Public Safety Space Reservation. The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space

may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.

2. Installation and Maintenance. The wireless provider shall install, maintain, repair and modify its small wireless facilities in a safe condition and good repair and in compliance with the requirements and conditions of this Chapter. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.
3. No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

4. The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

5. The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.
6. The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in the Village's Comprehensive Plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

7. **Alternate Placements.** Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within one hundred feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

8. **Height Limitations.** The maximum height of a small wireless facility shall be no more than ten feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

- a. Ten feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within three hundred feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within three hundred feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
 - b. Forty-five feet above ground level.
9. **Height Exceptions or Variances on Rights-of-way.** If an applicant proposes a height for a new or replacement pole, located within the Village's right-of-way, in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a Variance in conformance with procedures, terms and conditions set forth in the Village's Zoning Ordinance.
 10. **Height Exceptions or Variances on Property Outside of Rights-of-Way.** If an applicant proposes a height for a new or replacement pole, located on property that is not within a right-of-way located in the Village, in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a Variation in conformance with procedures, terms and conditions set forth in Village's Zoning Ordinance.
 11. **Contractual Design Requirements.** The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
 12. **Ground-mounted Equipment Spacing.** The wireless provider shall comply with applicable spacing requirements in applicable codes and this Chapter concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or

other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

13. Undergrounding Regulations. The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.
 14. Collocation Completion Deadline. Collocation for which a permit is granted shall be completed within one hundred eighty days after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within sixty days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed three hundred sixty days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.
- D. Application Fees. Application fees are imposed as follows:
1. The applicant shall pay an application fee as set forth in Appendix A. of this Code for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and the fee as set forth in Appendix A. of this Code for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
 2. The applicant shall pay an application fee as set forth in Appendix A. of this Code for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
 3. Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.
 4. The Village shall not require an application, approval, or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
 - a. Routine maintenance;
 - b. The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least ten days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section title Application Requirements; or
 - c. The installation, placement, maintenance, operation, or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
 5. Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

E. Exceptions to Applicability. Nothing in this Chapter authorizes a person to collocate small wireless facilities on:

1. Property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;
2. Property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation, or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or
3. Property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed, and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Chapter shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Chapter.

F. Pre-Existing Agreements. Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions contained therein. Agreement entered into after June 1, 2018, shall comply with this Chapter.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Chapter for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this Section.

G. Annual Recurring Rate. A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) the fee set forth in Appendix A. of this Code or (ii) the actual, direct, and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be the fee set forth in Appendix A. of this Code payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

- H. Abandonment. A small wireless facility that is not operated for a continuous period of twelve months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within ninety days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within ninety days of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

12.22.040 - Dispute Resolution.

The Circuit Court of Cook County shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than the fee set forth in Appendix A. of this Code per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

12.22.050 - Indemnification.

A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Chapter and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

12.22.060. - Insurance.

The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance: (i) property insurance for its property's replacement cost against all risks; (ii) workers' compensation insurance, as required by law; or (iii) commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of authority improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

12.22.070 - SEVERABILITY.

If any provision of this Chapter or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Chapter is severable.

Title 13 - WATER AND SEWERS

Chapter 13.04 - WATERWORKS AND SEWERAGE SYSTEM

I. - General Provisions

13.04.010 - Department established.

There is established a department of the Village to be known as the Public Works Department, and the Village Manager is authorized to appoint a Director and all other necessary employees. The Director shall have the general management and control of the waterworks and sewerage system.

II. - Water

13.04.020 - Turning on—Authority.

No water from the Village water supply shall be turned on for service into any premises by any person but the Director or designee.

13.04.030 - Turning on—Application.

Application to have water turned on shall be made in writing to the Public Works Department and shall contain an agreement by the applicant to abide by and accept all of the provisions of this Chapter and any amendment thereto as conditions governing the use of the Village water supply by the applicant.

13.04.040 - Water system improvement fee.

- A. In addition to the charges set forth in this Chapter, a charge shall be made for water system improvement fees as set forth in subsection B.
- B. The water system improvement fees are set forth in Appendix A of this Code.
- C. The fees designated in subsection B shall be due and payable prior to any tap on to the Village water system, and the Village shall not be required to render any water service unless and until said fee/fees is/are paid.

13.04.050 - Plumbing.

No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the Village; provided, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this Chapter.

13.04.060 - Service connection—Fee.

No connections with a water main shall be made without a permit being issued and twenty-four hours' notice having been given to the Director or designee. All such connections shall be made and all such work done at the expense of the applicant, who shall also furnish materials necessary for such work. All such connections shall be made under the supervision of the Director, and no connections shall be covered until the work has been inspected by the Director or designee. The fees shall be paid for each connection and turning on of water are set forth in Appendix A of this Code.

13.04.070 - Resale.

No water shall be resold or distributed by the recipient thereof from the Village supply to any premises, other than that for which application has been made and the meter installed, without the Village's consent.

13.04.080 - Acts of interference—Designated—Prohibited.

No person shall in any manner obstruct the access to any stopcock, hydrant or valve, or any public faucet or opening for taking water in any street, alley, public ground or place connected with or part of

said water system, nor pile or place any lumber, brick or building material or other article, thing or hindrance whatsoever within twelve feet of the same, nor shall any plantings can be within 36" of same or so as to in any manner hinder, delay or obstruct the members of the Fire Department in reaching the same. It is unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage or authorized use of water in said water system, reservoir or plant, or any part thereof, or to injure, deface, remove or display any water main, hydrant, service pipe, water meter, shut-off box, public fountain, valve, engine or building connected with said water system, or plant, or to cause, suffer or permit any of said things to be done.

13.04.090 - Unauthorized use.

No unauthorized person shall turn the water on at any fire hydrant or service cock or use water therefrom when so turned on, and every person so using or wasting water in such unlawful manner shall be liable to pay for the same at the regular scheduled rates.

13.04.100 - Pipes—Installation.

All service pipes from the mains to the premises served shall be installed by, and at the cost of, the owner of the property to be served or the applicant for the service. Such installation shall be under the inspection of the Director, or designee.

13.04.110 - Pipes—Specifications.

No service shall be installed unless it conforms to specifications approved by the Director, a copy of which specifications shall be kept on file by the Department and shall be open to inspection by any person interested.

13.04.120 - Repairs.

All repairs for service pipes from the water main to buildings and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The Village may, in case of an emergency, repair any service pipes, and if this is done, the cost of such repair work shall be repaid by the owner or user of the premises served.

13.04.130 - Excavations.

Excavations for installing service pipes or repairing the same shall be made in compliance with the ordinance provisions relating to making excavations in streets.

13.04.140 - Shut-off boxes.

Shut-off boxes or service boxes shall be placed on every service pipe and shall be located between the curb line and the sidewalk line where this is practicable. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

13.04.150 - Meters—Required.

Any premises using the Village water supply must be equipped with an adequate water meter furnished by the Village but paid for by the consumer or owner; provided, that such water service may be supplied by the Village at a flat rate of charge until such meter may be installed.

Before any premises is occupied, a water meter shall be installed therein as provided in this Chapter or application made for such water service at the flat rate of charge until the meter can be installed or no water shall be furnished such premises.

13.04.155 - Irrigation meters.

- A. Any Lake County customer with an underground irrigation system may add a separate irrigation meter to the main water utility service line. The user shall request a permit for the installation of the

irrigation meter. The user shall pay for the cost of creating the opening in the main water service line, meter, radio box, and an inspection fee.

- B. All metered water measured by the irrigation meter will be charged at the current consumption rate noted in Section 13.04.190B.

13.04.160 - Meters—Installation.

Meters and remote readers shall be located so as to be easily accessible. Remote readers shall be located on the outside of all served buildings or at a location approved by the Director or designee. Water meters shall be located so that a path of access exists with a minimum vertical clearance of seventy-two inches and a minimum width of thirty inches from a point at the building wall to a point within one foot from the meter. The meter location shall provide a minimum of one foot clear in all directions from meters that are three-fourths inch to one and one-half inches in size and a minimum of two feet clear in all directions from meters larger than one and one-half inches. No meter shall be more than 4' from the floor or installed where it is subject to freezing. Other locations may be approved by the Director or designee.

13.04.170 - Meters—Reading.

The Director shall read or cause to be read every water meter used in the Village at such times as are necessary so that the bills may be sent out at the proper times.

13.04.180 - Meters—Testing.

Any Village water meter may be removed and tested for accuracy upon request of the water consumer in accordance with the following provisions:

- A. Meter testing will be provided for the following:
 - 1. For newly installed meters or meters less than one year old: thirty-five percent higher than normal water consumption for a period of three billing cycles.
 - 2. For existing meters older than one year: thirty-five percent higher than normal water consumption for a period of three billing cycles; and thirty-five percent higher than normal consumption when compared to the same billing period in the previous two years.
- B. The Village will remove the existing water meter and have it tested by a third-party testing agency.
- C. All costs for removal, testing and replacement of the meter shall be borne by the water consumer and paid for in advance with as fee set forth in Appendix A of this Code.
- D. All testing will be in accordance with the American Water Works Association (AWWA) Standard M-6. The water consumer will be provided a copy of the test results.
- E. If the test results show that the meter is accurate in accordance with AWWA Standard M-6 (98.5%—101.5%), no further action will take place and the matter will be considered closed. In such case, the testing fee, or any portion thereof, will not be refunded.
- F. If the test results show that the meter is inaccurate in the water Consumer's favor (under recording), a prorated bill may be generated. The amount of the bill will be determined by the Finance Department. The look-back period will be limited to two years. In such case, the testing fee, or any portion thereof, will not be refunded.
- G. If the test results show that the meter is inaccurate in the Village's favor (over recording), a prorated refund may be generated. The amount of the refund will be determined by the Finance

Department. The look-back period will be limited to two years. In such case, the testing fee will be fully refunded.

13.04.190 - Rates.

- A. A "user/consumer" is defined as a residential dwelling unit, commercial unit, business unit, industrial unit, educational unit, governmental unit, institutional unit, or any other occupiable unit or combination thereof, having direct access and use of water and/or sewer services regardless of whether water is or is not metered through a single master meter. Unit counts for commercial, business, industrial or institutional uses shall be determined on an individual analysis of occupied or common areas having direct access to water services. Water provided as a general service to common area will be counted as one unit under this definition when determining the total direct access units regardless of the number of direct distribution users.
- B. In addition to the charges set forth in Subsection C, each user/consumer of water service shall be billed and pay bimonthly at the rate as set forth in Appendix A of this Code.
- C. A basic charge as set forth in Appendix A of this Code for each user/consumer of water service in both Cook County and Lake County portions of the Village, which charge is necessary for the purpose of fulfilling the Village's contractual obligation for debt servicing requirements of the Northwest Water Commission revenue bonds authorized for the completion of the capital construction of the Commission's Transmission System.

13.04.200 - Bills.

Bills for water used shall be dated and sent out by the Village. The due date will be not less than twenty-one days after the date of postmark on the bill.

13.04.205 - Liability for charges.

The owner of a property, location or address where water or water service is supplied, the occupant thereof and the user of the water service shall be jointly and severally liable for payment for any water or water service supplied to such property, location or address.

13.04.210 - Construction contractors.

During the construction of any building and before any water is installed as is provided in this Chapter, the contractor and/or owner so constructing such building may be permitted to use the Village water supply by making application to the Department as provided in this Chapter. The contractor and/or owner shall pay the charges for water used as set forth in Appendix A of this Code.

13.04.220 - Liability.

All connections and water applied for and used under this Chapter, shall be upon the express condition that the Village is not liable, nor shall any claim for the breaking of any main, branches, service pipes, apparatus or appurtenances connected with said system or plant, or any part or portion of said plant, or any interruption of the supply by reason of the breakage of machinery, or by reason of stoppage, alterations, extensions or renewals.

The Village reserves the right to shut off water in the mains at any time for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the Village in case of deficiency in supply. No claim shall be made against the Village, its officers, agents or employees, by reason of the breaking of any service pipe or service cock or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections for repairing any part of the water system, or from failure of the water supply or increasing the water pressure at any time, or from concentration or restricted use of water as designated in this Chapter.

13.04.230 - Access to private property.

The Village, its employees, and agents shall have ready access, at all reasonable hours, to the premises, places or buildings where meters are located for the purpose of reading, examining, testing, replacing and repairing the same, and examining and testing the consumption, use and flow of water. If there is a refusal to permit access to the premises the Village may assess a surcharge as set forth in Appendix A of this Code.

13.04.235 - Billing—Alternative payments.

- A. **Corporate Authority Determination.** The Corporate Authorities of the Village hereby determine, following the public hearing which was held pursuant to public notice and in accordance with the requirements of the local government acceptance of credit cards act, that the acceptance of credit card payments for the types of authorized obligations specified in the public notice is in the best interests of the citizens and governmental administration of the Village and taxpayers thereof.
- B. **Authority to Contract.** The Village Manager is hereby authorized to execute an agreement or agreements with one or more banks or third party for the use of credit cards, check cards, or debit cards for payment by the public of water utility bills and define fines, fees or charges imposed by the Village. The agreement shall provide for acceptance of Visa and/or MasterCard; may provide for acceptance of other credit cards; may provide for payment by the Village of fees in accordance with the bank's or third party's schedule of fees for accounts of similar volume subject to change from time to time; and may provide for use of equipment provided by the bank or third party. The Village reserves the authority to execute agreements with other companies offering credit card services for the payment of Village imposed water utility bills, fines and fees.
- C. **Authority to Approve Credit Card Acceptance and Establish Convenience and Surcharge Fees.** Effective upon execution of the agreement authorized in subsection A., the Village Manager is authorized, at his or her discretion, to approve a village department or departments to accept credit cards for the payment of Village-imposed fines and fees. The Finance Director is further authorized to establish appropriate business practices including the charging of convenience and surcharge fees to the credit card holder in accordance with 50 ILCS 345/1 et seq.

13.04.240 - Billing—Delinquent payments.

A payment shall not be considered past due unless the payment is received after the date specified on the bill. When payment is mailed, payments received two full business days beyond the due date shall be considered current. Reliance shall be made on the postmark of the payment. A ten percent charge shall be added to said bill after delinquency date, and shall be included as part of the next bill if not paid by the next normal billing date.

13.04.250 - Discontinuance of service.

- A. Service may be discontinued when any payment is past due. Service may not be resumed until payment of all charges including late and reconnection fees have been paid. The reconnection fees are set forth in Appendix A of this Code.
- B. Service shall not be discontinued until a minimum of three days' notice has been given to the person to whom the bills are mailed so that the person will be given an opportunity to be heard as to why the service should not be discontinued.
- C. No person owing a past-due bill and moving to other premises within the Village shall be supplied with water until such charges are paid in full.
- D. In the event that a payment is returned due to insufficient funds, the village will not accept payment from the same bank account and a new payment shall be made by cash, cashier's check, or money

order, and a processing fee as set forth in Appendix A of this Code will be added to the unpaid balance.

13.04.260 - Billing—Lien—Filing.

Upon a bill becoming delinquent, all charges shall be a lien upon the real estate upon or for which the service is supplied. Whenever a bill remains delinquent for more than thirty days, the Village Manager, or designee, may file in the office of the recorder of deeds or the office of the registrar of title in the county in which the real estate is located a notice containing a sworn statement setting forth the description of the real estate sufficient for the identification thereof, the amount due for such services, and the date when such amount became delinquent.

13.04.270 - Billing—Lien—Foreclosure—Judgment.

The Village may institute action to foreclose the lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate. In the alternative, civil action may be instituted against the occupant or user of the real estate to recover the money due plus reasonable attorneys' fees. Action to foreclose or for judgment shall be filed in the name of the Village.

13.04.275 - Fixed facility fee.

A fixed facility fee is a flat rate fee to be assessed to each metered account for access to the sewer and water system to be used for the maintenance and replacement of the capital infrastructure for the delivery of clean water and the removal of wastewater. The fixed facility fee shall be paid bimonthly with the utility bill. The initial fixed facility fees shall be as set forth below. The fixed facility fee shall increase every five years based on the aggregate of the CPI-U over the prior five-year period.

Single-Family Detached and Single-Family Attached Residential Users, Governmental Users and Institutional Uses as Defined in this Code	\$17.39/month
All Multifamily Residential Users, Commercial Users, Industrial Users as Defined in the Code and Other Customers Shall be Based on Water Meter Size as Follows:	
Water Meter Size	Monthly Cost
1 inch or less	\$17.39/month
1½-inch	\$22.02/month
2-inch	\$45.17/month
3-inch	\$115.86/month
4-inch	\$180.68/month
5-inch or greater	\$199.20/month

III. - Sewers

13.04.280 - Definitions.

1. "Act" means the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq.

2. "Audit" means an audit as a separate report from the funds in accordance with General Services Administration Policy Circular, FMC73-2, and shall cover the following: (1) financial operations are properly conducted; (2) financial reports are presented fairly; (3) applicable laws and regulations have been complied with; (4) resources are managed and used in an economical and efficient manner; (5) desired results and objectives are being achieved in a financially effective manner; and (6) records of audit of the industrial cost recovery system charges and expenditures are being retained for the useful life of the improvement.
3. "Billable flow" means a user/consumer recorded bimonthly water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered date, times the Village-approved percentage factor for wastewater entering the sewer system out of the metered water. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.
4. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees Centigrade, expressed in milligrams per liter.
5. "Building drain—sanitary" means that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only, inside the walls of a building and conveys it to the sanitary building sewer beginning three feet outside the building wall.
6. "Building drain—stormwater" means that part of the lowest horizontal piping of a drainage system which receives stormwater or other clearwater discharge, but no wastewater, from soil and other drainage pipes inside the walls of a building and conveys it to the building's stormwater service sewer beginning three feet outside the building wall.
7. "Building sewer—sanitary" means the extension from the sanitary building drain to the public sanitary sewer or other place of disposal which conveys sanitary or industrial sewage only (also called building or service connection).
8. "Collection sewer" means a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
9. "Commercial user" means and includes transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering services.
10. "Control manhole" means a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a control manhole is to provide access for the Village representative to sample and/or measure discharges.
11. "Corporate authority" means the President and Board of Trustees of the Village of Buffalo Grove.
12. "Double check valve assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.
13. "Easement" means an acquired legal right for the specific use of land owned by others.
14. "Force main" means a pipe in which wastewater is carried under pressure.
15. "FOG" means Fats, Oils, and Grease

16. "Grease Removal System" or "GRS" means any device designed for, and or intended for, separating, collecting, and removing waterborne FOG and settleable solids prior to discharging to the water reclamation facility. This includes any automatic GRS.
17. "IEPA" means the Illinois Environmental Protection Agency.
18. "Industrial user" means and includes establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.
19. "Industrial waste" means any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial, or business establishment or process or from the development, recovery, or processing of any natural resource as distinct from sanitary sewage.
20. "Infiltration" means the water unintentionally entering the public sanitary sewer system, including sanitary building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow).
21. "Infiltration/inflow" means the total quantity of water from both infiltration and inflow without distinguishing the source.
22. "Inflow" means the water discharge into a sanitary sewer system including sanitary building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and/or combined sewers, catchbasins, stormwaters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)
23. "Institutional/governmental user" means and includes schools, hospitals, churches, penal institutions, and users associated with federal, state and local governments.
24. "Interceptor sewer" means a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility with sufficient capacity to carry peak dry weather flow as well as groundwater infiltration.
25. "Major contributing industry" means an industrial user of the publicly owned treatment works that: (a) has a flow of fifty thousand gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or (d) is found by the sewage treatment authority, or state or federal regulatory agencies, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
26. "Minor industrial user" means small industrial and some commercial users (restaurants, auto repair shops, warehouses, etc.) whose individual discharges do not significantly impact the treatment plant services, degrade receiving water quality, or contaminate sludge.
27. "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

28. "NPDES permit" means any permit or equivalent document or requirements issued by the administrator, or, where appropriated by the director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.
29. "Operation and maintenance costs" means all costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, replacement, treatment and collection of wastewaters necessary to ensure adequate wastewater collection and treatment on a continuing basis, conform to applicable regulations, and assure optimal long-term facility management.
30. "pH" means the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water for example has a hydrogen ion concentration of 10^{-7} and a pH value of seven.
31. "Pretreatment" means the treatment of industrial sewage from privately owned industrial sources prior to introduction of the waste effluent into a public treatment works, in accordance with 40 CFR 128.
32. "Properly shredded garbage" means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.25 centimeters) in any dimension.
33. "Public sanitary sewer" means a sanitary sewer which is owned and controlled by the Village or other public sewage treatment authority.
34. "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.
35. "Replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
36. "Replacement reserve" means an account for the segregation of resources to meet replacement expenditures.
37. "Residential user" means all dwelling units such as houses, mobile homes, apartments, and permanent multifamily dwellings.
38. "Sanitary sewer" means a sewer which carries sanitary and industrial wastes, and to which storm, surface, and groundwater are not intentionally admitted. Reference to the word sewer, as used in this Chapter, shall generally refer to sanitary sewer.
39. "Sewage" means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions (including polluted cooling water and unintentionally admitted infiltration/ inflow).
 - a. "Sanitary sewage" means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

- b. "Industrial sewage" means a combination of liquid-carried and water-carried wastes, discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).
 - c. "Combined sewage" means wastes including sanitary sewage, industrial sewage, stormwater, infiltration and in-flow carried to the wastewater treatment facilities by a combined sewer.
- 40. "Shall" is mandatory; "May" is permissive.
- 41. "Standard methods" means the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and 40 CFR Part 136, 3, 4, and 5 and/or other recognized procedures by U.S. EPA and IEPA.
- 42. "Storm sewer" means a sewer for conveying water, groundwater, or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
- 43. "Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids and is removable by laboratory filtration as prescribed in standard methods.
- 40. "Toxic amount" means concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of the Act.
- 44. "U.S. EPA" means United States Environmental Protection Agency.
- 45. "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- 46. "Useful life" means the anticipated term in years of physical and/or functional productivity of elements of the whole sewerage system, which can be reevaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments either direct or indirect.
- 47. "User charge system" means the system of charges levied on users for the cost of operation and maintenance, and replacement reserve requirements on new and old wastewater collection/treatment facilities, pursuant to Section 204(b) of the Act; and 40 CFR 35.935-13 (February 11, 1974 Federal Register).
- 48. "User class" means the type of user; residential, institutional/government, commercial, or industrial, as defined herein.
- 49. "Wastewater treatment facilities" means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
- 50. "Waterworks" means all facilities for water supply, treatment, storage reservoirs, water lines and water services, and booster stations for obtaining, treating and distributing potable water.

13.04.290 - Sewer user charges.

- A. Sewer User Charge System. The sewer user charge for the use of and for the service supplied by the sewer system of the Village shall consist of a sewer charge for operation, maintenance and replacement expenses.

The sewer user charge shall be applied to sewer usage as recorded by water meters and/or sewage meters for wastes.

1. Unit Rates. The unit rate for the sewer charge shall be determined by:
 - a. Dividing estimated annual operation and maintenance costs by estimated annual billed water volume in gallons;
 - b. Dividing estimated annual replacement costs by estimated annual billed water volume in gallons;
 - c. Adding items a and b to obtain the sewer charge unit rate per gallon.
 2. Billable Flows. Billable flow is the estimate of sewer usage as recorded by sewage meters. For all users, billable flow shall be one hundred percent of the recorded water meter usage, unless a sewage meter, approved by the Village Engineer, is provided by the user.
 3. Service Charge. Effective for all use as of January 1, 2011, there shall be a service charge as set forth in Appendix A of this Code for each user/consumer serviced by the Lake County sanitary sewer. Cook County user/consumers are taxed for sewer treatment via tax levied by the Metropolitan Water Reclamation District of Greater Chicago.
 4. The method of computation of unit rates and service charges established for user charges in this section shall be made available to a user within thirty days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be reviewed by the Village Manager within sixty days after notification of a formal written appeal outlining the discrepancies.
- B. Sewer Bill.
1. The sewer bill for all users shall consist of sewer charges for operation, maintenance and replacement, using the unit charges described in subsection A of this section applied to the user's billable flow. Users shall be billed upon the same schedule that water billings are made.
 2. The Village shall reserve the right to require any user to meter his or her water and/or sewage flow.
 3. Any residential sewer user not connected to the Village water system, or otherwise metered for water or sewage flow, shall pay a flat rate per billing period to be established by the Village. All nonresidential users and all new residential users shall be required to meter water or sewage flows.
 4. Delinquent payment of all bills shall be handled in a manner as set forth in Section 13.04.240.
- C. Nonpayment of Bills.
1. Upon a bill becoming delinquent, all charges shall be a lien upon the real estate upon or for which the service is supplied. The lien filing provisions described in Section 13.04.260 shall apply.
 2. The lien foreclosure provisions described in Section 13.04.270 shall apply.

3. The Village reserves the right to revoke tap-on permits and disconnect Village water and/or sewer service to any user or premises whenever bills become delinquent.
- D. User Charge Rate. The following unit charge shall be applied to each user's billable flow:
 1. The basic unit charge for operation, maintenance and replacement shall be as set forth in Appendix A of this Code.
 2. The bimonthly fixed rate for all non-metered residential users shall be as set forth in Appendix A of this Code.

13.04.300 - Use of public sanitary sewers required.

- A. Prohibited Disposal. It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.
- B. Unlawful Discharge. It is unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with Section 13.04.310.
- C. Septic Tanks Prohibited. Except as hereinafter provided in Section 13.04.310, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. Who Must Connect to Public Sewer. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village, is required at owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this title, within ninety days after date of official notice to do so; provided, that the public sewer is within four hundred feet of the property line.

13.04.310 - Private sewage disposal.

- A. Conditions. Where a public sanitary sewer is not available under the provisions of Section 13.04.300, the sanitary building sewer shall be connected to a private sewage disposal system complying with the provisions of Section 13.04.310.
- B. Permit Required. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Village Engineer. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Village Engineer. A permit and inspection fee as set forth in Appendix A of this Code shall be paid to the Village at the time the application is filed.
- C. Inspection Required. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Village Engineer. The Village Engineer shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Village Engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two hours of the receipt of written notice by the Village Engineer.
- D. Code Requirements. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued

for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty thousand square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- E. Availability of Public Sanitary Sewers. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.04.300D, a direct connection shall be made to the public sanitary sewer within ninety days in compliance with this Title, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material such as clean bank run gravel or dirt.
- F. Operation and Maintenance of Private Facilities. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.
- G. Additional Requirements. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed or required by any other local governmental body, the state or federal government.

13.04.320 - Service connections.

- A. Unauthorized Connections. No unauthorized person shall uncover, make any connections with, or opening into; use; alter; disturb any public sewer or appurtenance thereof; or make any repair to a sanitary sewer service line requiring an excavation without first obtaining a written permit from the Village.
- B. Maintenance Responsibility. The proper maintenance and operation of a sanitary building sewer, building connection or sanitary sewer line to the point of connection to the municipal sanitary sewer system shall be the responsibility of the owner of the premises served by such sanitary sewer pipes. "Maintenance" means keeping the sanitary sewer connection, sewer lines or other sewer facilities or structures in satisfactory working condition and good state of repair (including, but not limited to, preventing any obstruction or extraneous materials or flows from entering such facilities, protecting such facilities from any damage, and keeping same free from defects or malfunctions), and making necessary provisions and taking necessary precautions to assure that such sewer facilities are at all times capable of satisfactorily performing the services and adequately discharging the functions and producing the final results and purposes such facilities are intended to perform, discharge, or produce.
- C. Disposal to Sewer Regulated. All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Federal Act and more stringent state and local standards.
- D. Permit Application. The owner of a building or owner's agent shall make application on a form furnished by the Village.

All building connections and repairs shall be made, and all construction, maintenance or repair work done at the expense of the applicant who shall also furnish material necessary for the work. All such connections shall be made under the supervision of the Village Engineer, and no connections shall be covered until the work has been inspected by the Village Engineer or designee. Applications for all such connection work must be made to the Village Engineer and must be approved by the Director of Public Works.

In cases of emergency repairs, notice and inspection requirements may be waived if approved in writing by the Village Engineer.

- E. Wastewater Treatment Plant Capacity Required for New Connections. A sanitary building sewer permit will only be issued, and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- F. Connection Fees.
 - 1. The fees paid for each connection to the Village sewer system are set forth in Appendix A of this Code.
 - 2. In addition to the charges listed in paragraph 1 of this subsection, fees paid for each connection to the Village sewer system in Lake County are set forth in Appendix A of this Code.
 - 3. All connection fees collected in paragraph 2 of this subsection shall be remitted to the Lake County Public Works Department.
- G. Separate Building Sewer Requirements. A separate and independent building sewer shall be provided for every building.
- H. Old Building Sewers for New Buildings. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the owner, which is satisfactory to the Village Engineer, to meet all requirements of this Title.
- I. Construction Requirements. The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the technical standards denoted in the development ordinance or other applicable rules and regulations of the Village.
- J. Sanitary Building Sewer Elevations. Whenever possible, the sanitary building sewer shall have a minimum of five feet of cover. In all buildings in which any sanitary building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved by the Village Engineer in accordance with subsection C of this section and Section 15.28.070 and discharged to the sanitary building sewer. Also, any level wholly or partially below exterior grade must include an approved sanitary service pump.
- K. Clear Water Connections Prohibited. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- L. Connection Requirements. The connection of the building sanitary sewer into the public sanitary sewer shall conform to the technical standards denoted in the development ordinance, or other applicable rules and regulations of the Village. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village Engineer before installation.
- M. Inspection and Connection. The applicant for the building sewer permit shall notify the Village Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the observation of the Village Engineer or designee.
- N. Safety. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

13.04.330 - Prohibited substances.

- A. Clear Water Discharges Prohibited. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village to a storm sewer or natural outlet.
- B. Other Prohibited Discharges. No person shall discharge or cause to be discharged any of the following materials to any sewer:
 - 1. Any liquid or vapor having a temperature high enough to create damaging or adverse effects on the treatment process or to prevent compliance with IEPA regulations;
 - 2. Any water or waste which may contain more than one hundred parts per million by weight of fat, oil, grease or hexane extractable material;
 - 3. Gasoline, benzene, naptha, fuel oil, or other combustible, flammable or explosive liquid, solid or gas of whatsoever kind or nature;
 - 4. Any garbage that has not been properly shredded;
 - 5. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;
 - 6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive or solvent property capable of causing damage or hazard to sewers, structures, equipment and personnel of the sewage works;
 - 7. Any waters or wastes containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or as would constitute a hazard to humans or animals, or could create any hazard in the receiving waters of the sewage treatment plant;
 - 8. Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the Village and involved treatment agency, which agreement may provide for special charges, payments or provisions of treating and testing equipment;
 - 9. Any noxious or malodorous gas or substance capable of creating a public nuisance;
 - 10. Any waters or wastes containing radioactive material or radioisotopes (giving off radiant energy in the form of alpha, beta or gamma rays) in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans or animals, or creating any hazard in the receiving waters of the sewage treatment plant.

13.04.340 - Chemicals.

Except as hereinafter provided, no person shall discharge or cause to be discharged any amount of the following constituents exceeding the requirements of the Lake County Public Works Department for properties within Lake County, or the requirements of the Metropolitan Water Reclamation District of Greater Chicago for properties within Cook County.

13.04.350 - Interception.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in this section, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, and any amendments thereto, and which in the judgment of the Village may have a deleterious effect upon any portion of the sewer system, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:
1. Reject the wastes;
 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 3. Require control over the quantities and rates of discharge;
 4. Require payment to cover the added costs of handling the wastes not covered by existing taxes or sewer charges, under the provisions of Section 13.04.290A.

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village, and subject to the requirements of all applicable codes, ordinances and laws.

- B. Grease, Oil and Sand Discharges Regulated. Grease, oil and sand traps shall be provided when, in the opinion of the Village Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.
- a. All grease, oil and sand traps shall be serviced and emptied at the cost of the owner on a continuous basis to always maintain their minimum design capacity and the continuous efficient operation. No waste removed from the traps shall be reintroduced into the sanitary sewer or back into the trap, which will cause the traps discharge to exceed sewer use ordinance limits. The owner shall be responsible for the legally appropriate sanitary disposal of such waste.
 - b. The owner shall maintain written records of grease, oil, and sand trap maintenance for the prior three years, or less, if the device is less than three years old. Said records shall be made available upon request by the Village Health Officer, Public Works Director, or their designee.
 - c. Grease Traps/(GRS) are required to be cleaned biannually or as often as deemed necessary by the Village Health Officer , Public Works Director or their designee so as not to deleteriously effect the Village Sewer System
 - d. Approval of proposed facilities or equipment by the Village Engineer, does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer, nor shall it relieve any person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.
 - e. If a failure to maintain any grease, oil, or sand trap results in partial or complete blockage of the building sewer or private sewer system discharging to the municipal system, or adversely affects the treatment or transmission capabilities to the municipal sewer system, or requires excessive maintenance, or poses a possible health hazard, the

responsible facility responsible for maintaining the grease, oil, or sand trap shall be subject to the remedies, including but not limited to cost recovery, enforcement and penalties.

- f. Grease, oil, and sand traps shall be inspected by Village staff for evidence of excessive accumulations of fats, oils, and grease as part of an annual inspection program or a special inspection in response to an identified concern of grease buildup in the Village's receiving sanitary sewer line.
- g. If a code violation is found with a particular grease, oil and sand trap for the establishment, the Village employee shall immediately pursue compliance in accordance with the Village's code, policies, protocols, and ordinances:
 - i. Notify and issue the owner of the establishment or property an inspection report listing the violation(s) verbally or in writing.
 - ii. Request immediate action of the owner to correct the listed violation(s) that threaten the safety, health, and welfare of the public.
 - iii. For any violation(s) that threaten the immediate safety, health and welfare of the public, the establishment is subject to being closed until said violation(s) are corrected.
 - iv. For violation(s) that do not pose an immediate threat to the safety, health and welfare of the public, the village will request a compliance schedule to correct these violation(s). The compliance schedule must be provided by the owner within one (1) weeks' time from the issuance of the violation. All violation(s) will need to be corrected within ten (10) calendar days after the issuance of the violation. The compliance schedule must also be approved by the Village.
 - v. If the owner fails to provide the compliance schedule within one (1) week of the issuance of the violation, the Village Health Officer, Public Works Director, or designee, will send the owner a follow-up violation letter and request the compliance schedule within one (1) week from the issuance of said follow-up violation letter.
 - vi. If the owner is nonresponsive to the initial and follow-up violations letters, the Village will issue a code violation notice(s), which will be served to the owner via certified mail and again request the compliance schedule within one (1) week from the issuance of the notice.
 - vii. Weekly inspections on an as-needed basis will then be conducted by the Village Health Officer, Public Works Director, or designee to ensure compliance to correct the violation(s).
 - viii. If compliance is not met by the owner, proceedings to immediately close the establishment will be pursued with the Village Manager until such time the violation(s) are corrected by the owner.

13.04.360 - Protection of sewage works from damage.

- A. Preliminary Treatment and Flow-Equalizing Expenses Borne by Owner. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner.

- B. Control Manholes. Each industrial user shall be required to install a control manhole, together with such necessary meters and other appurtenances in the building sewer to easily and safely facilitate observation, sampling and measurement of the wastes. The Village Engineer shall approve plans for construction of such manhole. The manhole shall be installed by the owner and shall be safely maintained by the owner and be accessible at all times.
- C. Laboratory Analysis—Regulation by Sanitary District.
 - 1. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of water and wastes to illustrate compliance with this Title and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.
 - 2. The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Director of Public Works to assure that compliance with the federal, state and local standards is being met. The owner shall report the results of measurements and laboratory analyses to the Director at such time and in such manner as prescribed by the Director. The owner shall bear the expense of all measurements, analyses and reporting required by this Title.
- D. Analysis Standards. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Title shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazard to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken.)
- E. Provisions for Protection from Damage. No person shall maliciously, willfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

IV. - Enforcement

13.04.370 - Powers and authority of inspectors.

- A. Authorized Inspections by U.S. EPA and IEPA. The Village Engineer, and other duly authorized employees of the Village, the IEPA, and the U.S. EPA, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Title.
- B. Authorized Inspections by the Village. The Village Engineer and other duly authorized employees, consultants or contractors of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance or any portion of the sewage works lying within said easement.

13.04.380 - Violation—Penalty.

Any person violating any provision of this Chapter shall be punished as provided in Chapter 1.08.

Chapter 13.05 - WATER SYSTEM CROSS-CONNECTION CONTROL

I. - General Provisions

13.05.010 - Purpose.

The purpose of this Chapter is:

- A. To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which would backflow through the service connection into the public water supply system;
- B. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and nonpotable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety;
- C. To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

13.05.020 - Application.

This Chapter shall apply to all premises served by the public potable water supply system of the village. The requirements of this Chapter shall apply to any existing plumbing installation or the lack thereof.

13.05.030 - Policy.

The Director of Public Works shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. The Director of Public Works shall be responsible for causing surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Director of Public Works shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years. If, in the judgment of the Director of Public Works or designee, an approved backflow prevention device is necessary for the safety of the public water supply system, the Director of Public Works shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at the consumer's own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 13.05.070 for a period of at least five years.

II. - Cross-connection Control

13.05.040 - Definitions.

The following definitions shall apply to the interpretation and enforcement of this Chapter:

1. "Agency" means Illinois Environmental Protection Agency.
2. "Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

3. "Auxiliary water system" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, ponds, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.
4. "Backflow" means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.
5. "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.
6. "Consumer" or "customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.
7. "Consumer's water system" means the service connection and any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.
8. "Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.
9. "Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.
 - a. Direct cross-connection means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.
 - b. Indirect cross-connection means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.
10. "Double check valve assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.
11. "Fixed proper air gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.
12. "Health hazard" means any condition, device or practice in a water system or its operation resulting in a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.
13. "Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.
14. "Non potable water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

15. "Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.
16. "Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.
17. "Potable water" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary and domestic purposes.
18. "Potential cross-connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.
19. "Process fluid(s)" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:
 - a. Polluted or contaminated waters;
 - b. Process waters;
 - c. Used waters originating from the public water supply system which may have deteriorated in sanitary quality;
 - d. Cooling waters;
 - e. Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
 - f. Chemicals in solution or suspension;
 - g. Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.
20. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least fifteen service connections or which regularly serve at least twenty-five persons at least sixty days per year. A public water supply is either a "community water supply" or a "noncommunity water supply."
21. "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated

pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

22. "Service connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.
23. "Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.
24. "System hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.
25. "Used water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.
26. "Village" means village of Buffalo Grove.
27. "Water purveyor" means the owner or official custodian of a public water system.

13.05.050 - Water system.

- A. The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.
- B. The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Director of Public Works up to the point where the consumer's water system begins.
- C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
- D. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.
- E. The consumer's water system shall include all parts of the facilities including the service connection used to convey water from the public water supply distribution system to points of use.

13.05.060 - Cross-connection prohibited.

- A. Connections between the Village water system and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.
- B. No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection

and analysis by the Agency. There shall be no arrangement or connection by which an unsafe substance may enter a supply.

- C. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of the Village, may enter the supply or distribution system of said municipality unless such private auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Director of Public Works and the Illinois Environmental Protection Agency.

13.05.070 - Survey and investigations.

- A. The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.
- B. On request by the Director of Public Works or designee, the consumer shall furnish information regarding the piping system or systems, or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Director of Public Works or designee, for the verification of information submitted by the consumer to the public water supply custodian regarding cross-connection inspection results. The refusal to provide requested information shall, within the discretion of the Director of Public Works, be deemed evidence of the presence of improper connections as provided in this Chapter.
- C. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on the consumer's premises to determine whether there are actual or potential cross-connections to the water system through which contaminants or pollutants could backflow into the consumer's or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Illinois Compiled Statutes, Ch. 225, par. 320/3(1).
- D. It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:
 - 1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
 - 2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
 - 3. Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
 - 4. Testing and Records.
 - a. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
 - b. Records submitted to the Village shall be available for inspection by Agency personnel in accordance with Illinois Compiled Statutes, Ch. 415, par. 5/4(e).
 - c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

- d. A maintenance log shall be maintained and include:
 - i. Date of each test;
 - ii. Name and approval number of person performing the test;
 - iii. Test results;
 - iv. Repairs or servicing required;
 - v. Repairs and date completed;
 - vi. Servicing performed and date completed.

- e. Completed tests shall be submitted to the Backflow Compliance Program Consultant in accordance with the Village's current agreement. If there is no Backflow Program Consultant, the completed tests shall be submitted to the Department of Public Works.

13.05.080 - Where protection is required.

- A. An approved backflow prevention device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Director of Public Works, actual or potential hazards to the public water supply system exist.
- B. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:
 - 1. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Director of Public Works and the source is approved by the Illinois Environmental Protection Agency.
 - 2. Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Director of Public Works.
 - 3. Premises having internal cross-connections that, in the judgment of the director of public works and the cross-connection control device inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
 - 4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
 - 5. Premises having a repeated history of cross-connections being established or reestablished.
- C. An approved backflow prevention device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Director of Public Works determines that no actual or potential hazard to the public water supply system exist:
 - 1. Hospitals, mortuaries, clinics, nursing homes;
 - 2. Laboratories;
 - 3. Piers, docks, waterfront facilities;

4. Sewage treatment plants, sewage pumping stations or stormwater pumping stations;
 5. Food or beverage processing plants;
 6. Chemical plants;
 7. Metal plating industries;
 8. Petroleum processing or storage plants;
 9. Radioactive material processing plants or nuclear reactors;
 10. Carwashes;
 11. Pesticide, or herbicide or extermination plants and trucks;
 12. Farm service and fertilizer plants and trucks.
- D. Lawn Sprinklers. Any underground lawn sprinkler system connected to a potable water supply shall be equipped with a reduced pressure principle backflow preventer assembly (RPZ). The RPZ may be located outside provided it is protected from freezing or is removed at the end of the season, and it conforms with Section 890.1130(g)(1) of the Illinois Plumbing Code.
- 13.05.090 - Type of protection required.
- A. The type of protection required under Section 13.05.080 shall depend on the degree of hazard which exists as follows:
 1. An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
 2. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
 3. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.
 - B. The type of protection required under Section 13.05.080 shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.
 - C. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:
 1. The fire safety system contains antifreeze, fire retardant or other chemicals;
 2. Water is pumped into the system from another source;
 3. Water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source; or
 4. There is a connection whereby another source can be connected to the sprinkler system.

13.05.100 - Backflow prevention devices.

- A. All backflow prevention devices or methods required by this Chapter shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards

Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

- B. Installation of approved devices shall be made in accordance with 35 Ill. Adm. Code 653.802, and only as specified by the Research Foundation for Cross-Connection Control of the University of Southern California or applicable industry specifications. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site. In new construction a floor drain shall be required for the discharge from any backflow preventer.

13.05.110 - Inspection and maintenance.

- A. It shall be the duty of the consumer at any premises on which backflow prevention devices are required by this Chapter to insure that the backflow protection devices are installed and have inspection, tests, maintenance and repairs made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.
 - 1. Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter.
 - 2. Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within fifteen days.
 - 3. Reduced pressure principle backflow prevention devices shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within fifteen days.
- B. Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.
- C. Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.
- D. The owner of the premises shall maintain a maintenance log which shall include:
 - 1. Date of each test or visual inspection;
 - 2. Name and approval number of person performing the test or visual inspection;
 - 3. Test results;
 - 4. Repairs or servicing required;
 - 5. Repairs and date completed; and
 - 6. Servicing performed and date completed.
- E. Whenever backflow prevention devices required by this Chapter are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- F. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Director of Public Works.

13.05.120 - Booster pumps.

- A. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cutoff device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty psi or less.

- B. It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order and to certify to the Director of Public Works, at least once a year, that the device is operable.

13.05.130 - Violations—Enforcement.

- A. The Director of Public Works shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Chapter is not installed, tested, maintained, repaired and inspected in a manner acceptable to the Director of Public Works, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by this Chapter is not installed and maintained in working order. Immediate disconnection with verbal notice can be effected when the Director of Public Works is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Director of Public Works, or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Village or the Director of Public Works, or their agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this Chapter, whether said termination was with or without notice.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Director of Public Works, and the required reconnection fee as set forth in Appendix A of this Code is paid to the Village.

13.05.140 - Liability for cleanup.

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

13.05.150 - Violations—Penalty.

Any person violating any provision of this Chapter shall be punished as provided in Chapter 1.08.

Chapter 13.08 - PRIVATE CONSTRUCTION*

13.08.010 - Procedure.

Except where the Village has entered into separate agreements, whenever any property owner has heretofore or shall hereafter, at his own cost, construct within the Village streets or public thoroughfares of the Village pursuant to permit and authority received from the corporate authority, a sanitary or storm sewer, or water line extension, in accordance with Village standards and specifications, inspected and approved by the proper official of the Village, and when properties other than the property of the person constructing such improvement intervene and abut upon that section of the street within which such improvement lies, when the constructing owner furnishes certification and satisfactory evidence of the cost of such improvement, the Village Manager and Engineer shall investigate the reasonableness thereof in accordance with existing prices, and when the Corporate Authorities are satisfied as to such reasonableness, the Village Clerk shall make an appropriate record of the nature, extent, location and cost of such improvement.

13.08.020 - Connections by intervening property owners—Fee—Determination.

Whenever the owner or owners of any intervening property or properties thereafter apply to the Village for a right to tap into or make connection with such privately constructed sewer or water line extension, the Village Manager and Engineer shall compute and certify to such applicant the pro rata cost of construction of that section of such line benefiting applicant's property, and shall, before issuing the permit to tap into or connect therewith, receive such pro rata contribution for reimbursement, and upon receipt thereof shall remit the same to the person constructing such line. The determination of the Village Manager and Engineer as to the amount of such contribution shall, in the absence of willful fraud and misconduct, be conclusive as between the Village and the person having constructed such line.

13.08.030 - Connections by intervening property owner—Fee—In addition to Village fees.

The sums provided in this Chapter to be contributed by intervening owners shall be in addition to, and exclusive of fees required and fixed by ordinance as inspection or permit fees for connection with or tap into Village sewer lines and water lines.

13.08.040 - Connections by intervening property owner—Condition.

When the owner of property contiguous to the property of any owner who has previously constructed any private improvement as described in this Chapter is desirous of connecting to and extending such sewer line or water line within the public streets, such extension shall be permitted only if in the opinion of the Village Engineer, or engineer acting for the Village, the existing facility is adequate for such purpose; and provided, that such extension shall be made along and/or through the property of the applicant, as approved by the Village Engineer.

Chapter 13.12 - STORMWATER DISCHARGE AND DETENTION

I. - Stormwater Discharge

13.12.020 - Illegal connection—Inspection.

- A. Because of their almost instantaneous impact, their injurious results, substantial contributions, and relative ease of correction, the Village will institute a priority program for the elimination of extraneous flows entering into the sanitary sewer system through downspouts, roof drains and other visible or outside connections which are connected directly or indirectly to the sanitary sewer system.
- B. The Village will, at no expense to the property owner, make visual outside inspections of all properties within the Village, with specific attention to downspouts, roof drains and other visible or outside connections, and, if allowed or requested by the property owner, the Village will enter into the premises and make or assist in the making of additional inspections of the premises to ascertain if illegal connections are present. Upon completion of the visual outside or inside inspection, the Village will advise the property owner in writing if any illegal connections are observed, and will advise on the manner of corrections for compliance with the provisions of this Chapter. After the corrections are made, the Village will, at no expense to the owner, make further inspections of the corrections to insure compliance with this Chapter.

13.12.030 - Illegal connections—Abatement.

Within sixty days after notice to the property owner by the Village of the presence of illegal connections, the property owner shall, at his expense, disconnect all illegal connections observed, and all discharges of extraneous flows into the sanitary sewer system, directly or indirectly, shall be discontinued.

13.12.040 - Illegal connections—Village authority to investigate, abate.

The Village may make tests and inspections of the municipal sewer systems as it deems necessary in order to locate such illegal connections and sources of extraneous flows which may exist. The Village,

at its option, may also invoke other legal powers vested in it or implied by the statutes for the protection of the health and welfare of the public, or institute such legal action as it deems necessary to discover and order the disconnection of any illegal connections that may exist.

II. - Stormwater Detention

13.12.050—13.12.110 - Reserved.

13.12.115 - Adoption of the Metropolitan Water Reclamation District of Greater Chicago's Watershed Management Ordinance and the Lake County Stormwater Management Commission's Watershed Development Ordinance by reference.

The provisions of Metropolitan Water Reclamation District of Greater Chicago's Watershed Management Ordinance, latest edition, and the Lake County Stormwater Management Commission's Watershed Development Ordinance, latest edition, are adopted herein by reference. In case of conflict between the provisions of these Ordinances and any other provisions of the Buffalo Grove Municipal Code, the most stringent provisions shall apply.

13.12.120 - Violation—Penalty.

In addition to the remedies set forth in this Chapter, any person violating any provision of this Chapter shall be punished as provided in Chapter 1.08.

Chapter 13.13 - STORMWATER UTILITY

13.13.010. - Legislative findings; policy and purpose.

A. Legislative findings. The Corporate Authorities of the Village of Buffalo Grove find that:

1. All real property in the Village contributes to runoff and either uses or benefits from the maintenance of the Stormwater System;
2. In order to provide an effective and long term approach to stormwater management within the Village, it is necessary to provide an adequate and stable revenue stream for the construction, maintenance, operation and improvement of the Village of Buffalo Grove Stormwater System; and
3. It is in the best interests of the health, safety and general welfare of the Village, its residents and property owners, that the Village of Buffalo Grove Stormwater System be operated as a municipal utility that is funded through user fees.

B. Statement of policy.

1. It is the policy of the Village of Buffalo Grove to provide a dedicated funding source for the construction, maintenance, operation and improvement of stormwater facilities in the Village, so that the Village is able to proactively manage stormwater for the benefit of all residents and owners of real property within the Village.
2. It is the policy of the Village of Buffalo Grove that, except as provided in Section 13.13.070, the owner or owners of any real property in the Village that uses or benefits from the Village's Stormwater System be charged a Stormwater Utility fee, whether or not the owner or parcel is exempt from real estate taxation.

C. Purpose. The purpose of this Chapter is to establish a Stormwater Utility to protect the public health, safety and welfare of the residents of the Village of Buffalo Grove by reducing damage to property and local waterways from stormwater runoff and floods, through the construction and operation of flood reduction and control facilities, and through water quality management and floodplain management.

13.13.020. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

"Delinquent accounts" means an account for which the billing amount has not been paid within the prescribed period of time as specified on the utility bill or stormwater invoice.

"Developed land" means a parcel within the corporate limits of the Village that has been altered from its natural state by the addition of impervious area.

"Direct discharge" means the conveyance of stormwater runoff directly from a parcel of property to a receiving stream, creek, ditch or river, without using any part of the Stormwater System.

"Impervious area" means the area within a parcel that prevents or significantly impedes the infiltration of stormwater into the soil. Impervious areas shall include, but are not limited to buildings, roofed structures, paved areas, walkways, driveways, parking lots, patios, decks, swimming pools, and similar non-porous areas.

"NPDES" or "National Pollutant Discharge Elimination System" means the national permitting program implemented under the Clean Water Act.

"Parcel" means an area of land within the corporate limits of the Village that has been established by a plat or other legal means and has been assigned a Property Index Number (PIN) by the County in which the parcel is located.

"Public right-of-way" means a parcel of land owned by a local unit of government or other taxing authority.

"Stormwater service connection" means such pumps, pipes, drains and other appurtenances necessary to drain and channel runoff from any parcel into the Village of Buffalo Grove Stormwater System.

"Stormwater system", means the system of conveyances owned and operated by the Village and designed for or used in the collection, control, transportation, treatment or discharge of stormwater, including but not limited to storm sewers, storm drains, curbs, gutters, ditches, detention ponds or basins, dams, river impoundment, manmade channels or storm drains, and flood control facilities, and any appurtenances thereto.

"Stormwater utility", means the Village of Buffalo Grove Stormwater Utility established by this Chapter for the management, operation, maintenance, engineering, planning and capital investments related to the stormwater system.

"Undeveloped parcel" means a parcel of land that remains in its natural state with no impervious area.

"User" means the owner of a parcel that uses, benefits from or connects to the Village's Stormwater System.

13.13.030. - Stormwater utility established.

The Village hereby establishes a stormwater utility to provide for the management, operation, maintenance, engineering, planning, construction, enhancement and rehabilitation of the stormwater system, as defined in this Chapter.

13.13.040. - Scope of responsibility of stormwater utility.

- A. The stormwater utility shall be responsible for the operation, maintenance, management and improvement of the stormwater system owned by the Village in accordance with all applicable permits, licenses and regulations, including all activities required by the NPDES stormwater permit.
- B. The Village of Buffalo Grove Stormwater Utility shall be administered by the Public Works Director or his or her designee.

13.13.050. - Stormwater utility fund.

- A. Revenues. All revenues from the stormwater utility fee shall be deposited in the Village General Fund and shall be used solely for the operation, maintenance, expansion and rehabilitation of stormwater infrastructure and the maintenance of an infrastructure replacement reserve account as deemed appropriate by the corporate authorities.
- B. Financial records. The Finance Director shall maintain and report on the financial records of the stormwater utility in accordance with generally accepted government accounting principles.

13.13.060. - Parcel database.

A data base for all parcels in the Village is established by the Village. The Village shall maintain the database for all parcels within the Village which will serve as the basis for determination of the stormwater utility fee associated with each parcel. The database will be based on available information, including geographic information systems analysis, aerial photographs, mapping information, site examination and other available information, and will be periodically updated based on available information.

13.13.065. - Fee assessments.

Pursuant to Section 3.71.030 fees will be assessed utilizing a tiered approach based upon the zoning classifications as defined in Chapter 17.16 of the Buffalo Grove Municipal Code.

13.13.070. - Exemptions from stormwater utility fee.

All Village property including but not limited to roadways, sidewalks and alleys, and dedicated public rights-of-way, and unimproved parcels, shall not be subject to the stormwater utility fee.

13.13.080. - Stormwater service connections.

- A. No stormwater service connection shall be installed, repaired, maintained or replaced except by a licensed plumber or contractor who has first notified the Public Works Department. All such work shall be subject to the approval of the Public Works Department and shall be performed in accordance with this Code and applicable state and federal statutes, and the standards and practices of the Public Works Department.
- B. Any person who performs any work on a stormwater service connection shall first obtain a permit from the Village as provided in Title 15 of this Code. All such work shall be done in accordance with the terms of the permit authorizing the work and the standards and practices of the Public Works Department.
- C. Penalties. Any person, who engages in any work on a stormwater service connection that requires a permit, without first obtaining such permit, shall be subject to such additional fines, fees and penalties pursuant to Chapter 1.08 of this Code.
- D. Responsibility of Owner. The installation, connection, alteration, maintenance, repair and replacement of stormwater service connections shall be at the sole expense of the owner of the premises to which the stormwater service is supplied.

- E. This Section does not apply to work performed on Village owned and maintained stormwater facilities.

13.13.090. - Interference with stormwater system.

- A. No person shall alter, interfere with or disturb the Stormwater System or appurtenances thereto without the permission of the Public Works Director or his or her designee.
- B. No person shall willfully or negligently break, injure or deface such Stormwater System and appurtenances, or commit any act which is intended to or which shall obstruct or impair the intended use thereof.

13.13.100. - Responsibility for damage to stormwater system.

- A. Damage to Stormwater System. Any person who causes damage to any part of the Village's Stormwater System shall be responsible for the cost of repairing such damage. The Village shall have the sole discretion and authority to determine the nature and extent of the damage and necessary repairs, the manner in which such repairs shall be done, and the persons who shall perform such repairs.
- B. Damage to stormwater service connections. Any person who causes damage to any part of any service connection in the Village's Stormwater System shall be responsible for the cost of repairing such damage. The Village shall have the sole discretion and authority to determine the nature and extent of the damage and necessary repairs, the manner in which such repairs shall be done, and the persons who shall perform such repairs. All such repairs shall be made by a licensed plumber or contractor in accordance with all applicable provisions of the standards and practices of the Public Works Department.
- C. Village rights reserved. The Village reserves all rights to recover the cost of repairing any damage to any part of the Village's Stormwater Utility system or to any part of any service connection in the Village's Stormwater Utility from the person or persons that caused the damage necessitating the repairs.

Chapter 13.16 - WATER CONSERVATION

13.16.010 - Wasting water.

Should the Director of Public Works find reasonable cause to believe that there is an unreasonable or unnecessary waste of water in any building, structure or premises to which water is supplied from the Village waterworks system through or by means of a leak in any water pipe located in any such building, structure or in or on any such premises, the Director of Public Works shall cause the water supply to be cut off from such building, structure or premises unless such waste shall be stopped or shall cease within twenty-four hours after he or she has given notice to the owner, occupant or person in possession, charge or control of such building, structure or premises to stop such waste. In those cases where the water supply is cut off from any building, structure or premises, the water supply shall not again be turned on until a minimum fee as provided in Chapter 13.04 is paid.

13.16.020 - Outside water use—Regular restrictions.

From May 15th through September 15th each year, the following restrictions and procedures shall apply:

- A. There shall be no watering of lawns, gardens or outside landscaping between the hours of noon to six p.m.
- B. Occupants with street number addresses which are even numbers may only water lawns, gardens and outdoor landscaping on even-numbered days of the month. Occupants with street

number addresses which are odd numbers may only water lawns, gardens and outdoor landscaping on odd-numbered days of the month. This subsection shall not apply to the watering of flower gardens when a hand-held sprinkling can is used which makes no use of any hose.

- C. The Director of Public Works or designee is authorized to issue a permit allowing daily watering of newly placed sod or newly planted seed beds. Such permits shall be applied for on forms approved by the Director of Public Works. The hours watering may occur during the first three weeks following sod placement or seed bed planting may be expanded if so noted on the permit. No permits for daily sod or seed watering shall be issued during periods in which it is the opinion of the Director of Public Works that water demands may exceed the capacity of the Village water system. All sod and seed watering permits shall be subject to revocation if, in the opinion of the Director of Public Works, water demand may exceed the capacity of the Village's water system.
- D. The Director of Public Works or designee is authorized to issue permits allowing variations to the normally allowed hours and days of watering when the water will be provided from a source other than the Village's public water supply system and there is a significant risk of financial loss if a variation is not granted. The application for any such permit shall be submitted on forms approved by the Director of Public Works. Conditions of permit approval may be established so as to minimize the degree of variation which would occur while reducing the financial hardship which would otherwise result in adhering to the normal outdoor watering restrictions.

13.16.030 - Emergency water shortage restrictions.

- A. The Director of Public Works shall determine if the demand on the Village water system is approaching a water shortage situation and shall notify any individuals performing work which normally requires a high volume of construction water usage, such as water main extension construction, of this situation. No high volume construction water usage, such as watermain or fire hydrant flushing, shall be performed without the approval of the Director of Public Works during periods in which the demand on the Village water system is approaching a critical water shortage situation.
- B. In the case of a water shortage due to situations such as water production or transmission system failure or increased consumption, which may result in water demands in excess of the Village water system capacity, the Village Manager is authorized to issue a public notice explaining the situation, the expected duration (if such can reasonably be determined but not to exceed fourteen days) and special water use restrictions which will be in effect during the shortage and penalties for violation of the restrictions. The provisions of the Village Manager's public notice shall remain in effect until rescinded. The Village Manager's public notice may establish restrictions, such as total or expanded daily period of restrictions on all outdoor water uses, in addition to those set forth in this Chapter.

13.16.040 - Major industrial and commercial water user conservation plans.

The Director of Public Works will review water consumption records and identify the major industrial and commercial water users. These water users will be consulted in advance and their assistance solicited for the development of alternative water conservation measures, which may be voluntarily implemented during periods in which demand on the Village water system is approaching a water shortage situation. In the case in which the Village Manager has issued a public notice that a water shortage exists in accordance with Section 13.16.030, some or all of the identified alternative water conservation measures as specified in the Village Manager's public notice will be required to be implemented to such reasonably practical degrees as will not impose serious economic hardships.

13.16.050 - Violation—Penalty.

Any person violating any provision of this Chapter shall be punished as provided in Chapter 1.08.

Chapter 13.18 - WATER WELLS FOR IRRIGATION PURPOSES

13.18.010 - Purpose.

The purpose of this Chapter is to regulate the location, construction, operation, maintenance and abandonment of water wells, to provide minimum standards to safeguard persons, to protect property and to promote the public welfare. Water wells shall only be used to irrigate the property and attendant landscaping existing thereon, denoted in the permit.

13.18.020 - Permit required.

Prior to the commencement of any layout, clearing or drilling of any well, a permit shall be obtained from the Village Engineer. A permit shall only be authorized for a minimum of three acres under single ownership. No permit shall be issued other than for water wells terminating within the shallow aquifer as defined by the Illinois State Water Survey. (ISW/R183/76).

13.18.030 - Plan requirements.

The application for permit for the construction of a water well shall be accompanied by a location plan which shall indicate, at a minimum, the following:

- A. Proposed finished grading at and within one hundred fifty feet of the proposed well location;
- B. All storm sewers, sanitary sewers, water mains, open ditches and other improvements within one hundred fifty feet of the well location;
- C. Limits of regulatory floodplain(s);
- D. Nature and extent of all other improvements, buildings or features within one hundred fifty feet of the well location;
- E. Statement describing all other wells, similar in nature, within two thousand feet of the proposed well, denoting the depth and capacity;
- F. Depth of proposed well hole, diameter, size of pump, discharge piping, all other necessary appurtenances and all other details of the well design and installation, including necessary electrical;
- G. Legal description of property to be irrigated.

13.18.040 - Retention of as-built plans.

Upon completion of construction the Village shall receive an as-built plan of the completed construction. As-built plans shall meet the requirements of Section 16.40.070 of the Buffalo Grove Municipal Code.

13.18.050 - Use.

Water produced by water wells constructed pursuant to this Chapter shall be for irrigation purposes only on the property for which the permit is issued. No cross-connection with any water system, public or private, is permitted and all discharges from a water well shall be to a pond, lake or detention basin. Direct pumping to an irrigation system or buried reservoir is prohibited.

13.18.060 - Meter required.

In order for the Village to monitor the use of any water well, the proposed construction shall include a meter capable of recording the total quantity of water pumped. Said meter shall be available to inspection by Village personnel at all times.

13.18.070 - Conservation of water.

All water wells shall be constructed with automatic controls sufficient to shut off the operation of the well at such time as the pond or detention basin to which it is discharging is at its normal water level. The owner of any water well shall observe and be in compliance with all Village ordinances with respect to water conservation. Issuance of a permit for the construction and operation of a water well shall not exempt the owner from any outside or emergency water use ban.

13.18.080 - Approval authorities.

The applicant is responsible for obtaining any other governmental permits governing the proposed construction. Issuance of any required permits shall be a prerequisite for Village permit issuance.

13.18.090 - Fees.

To cover the cost of the Village's review of the plans and inspection of the proposed construction, and in addition to any other required fees, there shall be a fee as set forth in Appendix A of this Code.

13.18.100 - Violation—Penalty.

Any person violating any portion of this Chapter shall be punished according to the provision of Chapter 1.08 of the Buffalo Grove Municipal Code. In addition, the Village shall have the right to revoke the Village's water well permit.

Chapter 13.22 - GROUNDWATER USE

13.22.010 - Use of groundwater as a potable water supply prohibited.

The use or attempt to use as a potable water supply groundwater from within the area depicted in Exhibit A, attached to Ordinance No. 2020-001, as being within the Village of Buffalo Grove and depicted by black hatching, attached hereto and made a part hereof, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the Village of Buffalo Grove.

13.22.020 - Penalties.

Any person violating the provisions of this ordinance shall be subject to fines as detailed in Appendix A Table A-2 Offenses and Fines.

13.22.030 - Definitions.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Title 12 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Chapter 12.04 - CONSTRUCTION AND USE OF PUBLIC WAYS*

12.04.010 - Purpose and scope.

- A. Purpose. The purpose of this Chapter is to establish policies and procedures for constructing facilities on rights-of-way and use of rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.
- B. Intent. In enacting this Chapter, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities and others, by establishing uniform standards to address issues presented by utility facilities and the public including without limitation:
1. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
 2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 3. Prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or public property;
 4. Protect against environmental damage, including damage to trees, from the installation of utility facilities;
 5. Protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
 6. Preserve the character of the neighborhoods in which facilities are installed;
 7. Preserve open space, particularly the tree-lined parkways that characterize the Village's residential neighborhoods;
 8. Prevent visual blight from the proliferation of facilities in the rights-of-way; and
 9. Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.
- C. Facilities Subject to this Chapter. This Chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this 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.
- D. Franchises, Licenses, or Similar Agreements. The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this Chapter.
- E. Effect of Franchises, Licenses, or Similar Agreements.

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1. Utilities Other than Telecommunications Providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
 2. Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Chapter and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- F. Conflicts with Other Chapters. This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- G. Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Chapter, the utility shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or state laws or regulations.
- H. Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this 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.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.020 - 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 Section 530.30, unless the context clearly requires otherwise.

"AASHTO" means American Association of State Highway and Transportation Officials.

"ANSI" means American National Standards Institute.

"Applicant" means a person applying for a permit under this Chapter.

"ASTM" means American Society for Testing and Materials.

"Backfill" means the methods or materials for replacing excavated material in a trench or pit.

"Bore" or "boring" means to excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable operator" means that term as defined in 47 U.S.C. 522(5).

"Cable service" means that term as defined in 47 U.S.C. 522(6).

"Cable system" means that term as defined in 47 U.S.C. 522(7).

"Carrier pipe" means the pipe enclosing the liquid, gas or slurry to be transported.

"Casing" means a structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

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"Clear zone" means 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" means protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Code" means the Municipal Code of the Village of Buffalo Grove.

"Conductor" means wire carrying electrical current.

"Conduit" means a casing or encasement for wires or cables.

"Construction" or "construct" means the installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover" means the depth of earth or backfill over buried utility pipe or conductor.

"Crossing facility" means a facility that crosses one or more right-of-way lines of a right-of-way.

"Director of Public Works" means the Village Director of Public Works or his/her designee.

"Disrupt the right-of-way," for the purposes of this Chapter, means any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Emergency" means 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" means provision of a protective casing.

"Engineer" means the Village Engineer or his/her designee.

"Equipment" means materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation" means the making of a hole or cavity by removing material, or laying bare by digging.

"Extra heavy pipe" means pipe meeting ASTM standards for this pipe designation.

"Facility" means all structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Chapter. For purposes of this Chapter, the term "facility" shall not include any facility owned or operated by the Village.

"Freestanding facility" means a facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage road" means roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

"Hazardous materials" means any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Engineer 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" means a specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Highway Code" means the Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

"Holder" means a person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"ICC" means Illinois Commerce Commission.

"IDOT" means Illinois Department of Transportation.

"Jacking" means pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting" means pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint use" means the use of pole lines, trenches or other facilities by two or more utilities.

"J.U.L.I.E." means the joint utility locating information for excavators utility notification program.

"Major intersection" means the intersection of two or more major arterial highways.

"Occupancy" means the presence of facilities on, over or under right-of-way.

"Parallel facility" means a facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway" means any portion of the right-of-way not improved by street or sidewalk.

"Pavement cut" means the removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee" means that entity to which a permit has been issued pursuant to Sections 12.04.040 and 12.04.050 of this Chapter.

"Petroleum products pipelines" means pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Practicable" means that which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure" means the internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Prompt" means that which is done within a period of time specified by the Village. If no time period is specified, the period shall be thirty days.

"Public entity" means a legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Restoration" means the repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-way" or "rights-of-way" means any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-way" or "rights-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" means that part of the highway that includes the pavement and shoulders.

"Sale of telecommunications at retail" means 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" means that amount of security required pursuant to Section 12.04.100.

"Shoulder" means 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" means 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, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. Section 76.1500 and following), as now or hereafter amended.

"Telecommunications provider" means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications retailer" means and includes every person engaged in making sales of telecommunications at retail as defined herein.

"Trench" means a relatively narrow open excavation for the installation of an underground facility.

"Utility" means the individual or entity owning or operating any facility as defined in this Chapter.

"Vent" means a pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Video service" means that term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

"Village" means the Village of Buffalo Grove, Illinois.

"Water lines" means pipelines carrying raw or potable water.

"Wet boring" means boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.030 - Annual registration required.

Every utility that occupies right-of-way within the Village shall register on January 1st of each year with the Engineer, 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 twenty-four-hour telephone number for each such person, and evidence of insurance as required in Section 12.04.080 of this Chapter, in the form of a certificate of insurance.

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~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.040 - 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 Engineer 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.

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B. Permit Application. All applications for permits pursuant to this Chapter shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

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

1. The utility's name and address and telephone and telecopy numbers;
 2. The applicant's name and address, if different than the utility, its 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:
 - a. A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - b. An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the Village finds that additional information or assurances are needed;
 6. Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
 7. Evidence of insurance as required in Section 12.04.080 of this Chapter;
 8. Evidence of posting of the security fund as required in Section 12.04.100 of this Chapter;
 9. Any request for a variance from one or more provisions of this Chapter (See Section 12.04.210); 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 the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
 2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
 3. In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;

4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Metropolitan Water Reclamation District and any other local or state entities with jurisdiction, have been satisfied; or
 5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
- E. Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty 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 as set forth in ~~Chapter 4-46~~ Appendix A, of this Code. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

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~~(Ord. 2007-73 § 2 (part), 2007)~~

~~(Ord. No. 2016-057, § 2, 11-7-2016)~~

12.04.050 - Action on permit applications.

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

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in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Chapter.

3. Upon the provision of such specification by the Village, where a permit is required for work pursuant to Section 12.04.040 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.
- C. Additional Village Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a state-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five days after submission to the Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.060 - 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 rights-of-way.
- B. Duration. No permit issued under this Chapter shall be valid for a period longer than six months unless construction is actually begun within that period and is thereafter diligently pursued to completion.
- C. Pre-Construction Meeting Required. No construction shall begin pursuant to a permit issued under this Chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.
- D. Compliance with All Laws Required. The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.
- E. Notice Before Commencement of Construction. A minimum of twenty-four hours prior written notice must be given to the Village Engineer before any work shall begin pursuant to a permit issued under this Chapter.
- F. Copy of Permit at Site Location. A copy of the issued permit shall be kept at the work site at all times.

~~(Ord. 2007-73 § 2 (part), 2007)~~

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12.04.070 - 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 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 Section 12.04.210 of this Chapter. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

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~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.080 - 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 subsection (A)(1) and (A)(2) of this section:

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1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:
 - a. Five million dollars for bodily injury or death to each person,
 - b. Five million dollars for property damage resulting from any one accident, and
 - c. Five million dollars 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 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 per employee and per accident.

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

- B. Excess or Umbrella Policies. The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.
- C. Copies Required. The utility shall provide copies of any of the policies required by this section to the Village within ten 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 Manager of such intent to cancel or not to renew."

Within ten days after receipt by the Village of said notice, and in no event later than ten 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 of this section, or the requirements of subsections B through D of this section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection A of this section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.
- F. Effect of Insurance and Self-Insurance on Utility's Liability. The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.
- G. Insurance Companies. All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.090 - 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.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.100 - 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

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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 nonperformance by permittee in violation of this Chapter including, without limitation, any damage to public property or restoration work the permittee is required by this Chapter to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Chapter or any other applicable law.
- 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 Engineer, 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 Engineer 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 for any single phase.
- D. Withdrawals. The Village, upon fourteen 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-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 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.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.110 - 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. Noncompliance with this Chapter;
 3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
 4. Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.
- B. Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section.

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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 working days after receipt of the written notice of revocation; or
3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten days after receipt of the written notice of revocation.

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

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

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.120 - Change of ownership or owner's identity or legal status.

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

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.130 - 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

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and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

1. Standard Specifications for Road and Bridge Construction;
 2. Supplemental Specifications and Recurring Special Provisions;
 3. Highway Design Manual;
 4. Highway Standards Manual;
 5. Standard Specifications for Traffic Control Items;
 6. Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code Section 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.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.140 - Traffic control.

- A. Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.
- B. Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.
- C. Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
- D. Notice When Access is Blocked. At least forty-eight 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 12.04.200 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.

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~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.150 - Location of facilities.

- A. General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

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1. No Interference with Village Facilities. No utility facilities shall be placed in any location if the Village Engineer determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
 2. Minimum Interference and Impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
 3. No Interference with Travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
 4. No Limitations on Visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
 5. Size of Utility Facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
- B. Parallel Facilities Located Within Highways.
1. Overhead Parallel Facilities. An overhead parallel facility may be located within the right-of-way lines of a highway only if:
 - a. 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;
 - b. 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;
 - c. 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;
 - d. No pole is located in the ditch line of a highway; and
 - e. Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.
 2. Underground Parallel Facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:
 - a. The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 m) from and parallel to the right-of-way line;
 - b. A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - c. In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (one and one-half m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.
- C. Facilities Crossing Highways.

1. No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
 2. Cattle Passes, Culverts, or Drainage Facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
 3. Ninety Degree Crossing Required. Crossing facilities shall cross at or as near to a ninety degree angle to the centerline as practicable.
 4. Overhead Power or Communication Facility. An overhead power or communication facility may cross a highway only if:
 - a. It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication lines" (83 Ill. Adm. Code 305);
 - b. Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
 - c. Overhead crossings at major intersections are avoided.
 5. Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:
 - a. The design materials and construction methods will provide maximum maintenance-free service life; and
 - b. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
 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. Section 192.707 (1989)).
- D. Facilities to be Located Within Particular Rights-of-Way. The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.
- E. Freestanding Facilities.
1. The Village may restrict the location and size of any freestanding facility located within a right-of-way.
 2. The Village may require any freestanding facility located within a right-of-way to be screened from view.
- F. Facilities Installed Above Ground. Above ground facilities may be installed only if:
1. No other existing facilities in the area are located underground;
 2. New underground installation is not technically feasible; and
 3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable.

Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

G. Facility Attachments to Bridges or Roadway Structures.

1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - a. The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - b. The type, length, value, and relative importance of the highway structure in the transportation system;
 - c. The alternative routings available to the utility and their comparative practicability;
 - d. The proposed method of attachment;
 - e. The ability of the structure to bear the increased load of the proposed facility;
 - f. The degree of interference with bridge maintenance and painting;
 - g. The effect on the visual quality of the structure; and
 - h. The public benefit expected from the utility service as compared to the risk involved.

H. Appearance Standards.

1. The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.160 - Construction methods and materials.

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

1. Boring or Jacking.
 - a. Pits and Shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Engineer from the edge of the pavement. Pits for boring or jacking shall be excavated no more than forty-eight hours in

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advance of boring or jacking operations and backfilled within forty-eight hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

- b. Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.
 - c. Borings with Diameters Greater than Six 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 (twenty-five mm).
 - d. Borings with Diameters Six Inches or Less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
 - e. Tree Preservation. Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be bored under or around the root system.
2. Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction."
- a. 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.
 - b. Open Trench and Excavated Material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
 - c. Drip Line of Trees. The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
3. Backfilling.
- a. Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
 - b. For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Engineer, 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 Engineer.

4. **Pavement Cuts.** Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection is permitted under Section 12.04.210, the following requirements shall apply:
- Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Engineer.
 - 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.
 - All saw cuts shall be full depth.
 - For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three 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.**
- Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.
 - The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
 - In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.
 - In the case of gas pipelines of sixty psig or less, encasement may be eliminated.
 - In the case of gas pipelines or petroleum products pipelines with installations of more than sixty psig, encasement may be eliminated only if: (i) extra heavy pipe is used that precludes future maintenance or repair; and (ii) cathodic protection of the pipe is provided.
 - If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
6. **Minimum Cover of Underground Facilities.** Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric lines	30 inches (0.8 m)
Communication, cable or video service lines	18 to 24 inches (0.6 m, as determined by Village)

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Gas or petroleum products	30 inches (0.8 m)
Water line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

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B. Standards and Requirements for Particular Types of Facilities.

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1. Electric Power or Communication Lines.

- a. Code Compliance. Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines," and the National Electrical Safety Code.
- b. 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.
- c. Underground Facilities. (i) 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. (ii) 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. (iii) Cable shall be grounded in accordance with the National Electrical Safety Code.
- d. Burial of Drops. All temporary service drops placed between November 1st of the prior year and March 15th of the current year, also known as snowdrops, shall be buried by May 31st of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten business days after placement.

2. Underground Facilities Other than Electric Power or Communication Lines. Underground facilities other than electric power or communication lines may be installed by:

- a. The use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;
- b. Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
- c. Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

d. Tunneling with vented encasement, but only if installation is not possible by other means.

3. Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 — Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR Section 192), IDOT's "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.
4. Petroleum Products Pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
5. Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."
6. Ground Mounted Appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (three hundred five 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 Engineer. With the approval of the Engineer, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

C. Materials.

1. General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standards Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
2. Material Storage on Right-of-Way. No material shall be stored on the right-of-way without the prior written approval of the Village Engineer. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.
3. Hazardous Materials. The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

D. Operational Restrictions.

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

2. These restrictions may be waived by the Village Engineer when emergency work is required to restore vital utility services.

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3. Unless otherwise permitted by the Village, the hours of construction are those set forth in Chapter 9.38 of this Code.

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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 forty-eight hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.).

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~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.170 - Vegetation control.

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

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B. Other Utilities — Tree Trimming Permit Required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Chapter.

1. Application for Tree Trimming Permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

2. Damage to Trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

C. Specimen Trees or Trees of Special Significance. The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

D. Chemical Use.

1. Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.

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

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.180 - Removal, relocation, or modifications of utility facilities.

- A. Notice. Within ninety days following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.
- B. Removal of Unauthorized Facilities. Within thirty days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:
1. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
 2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
 3. If the facility was constructed or installed without prior issuance of a required permit in violation of this Chapter; or
 4. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.
- C. Emergency Removal or Relocation of Facilities. The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.
- D. Abandonment of Facilities. Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within ninety 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 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.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.190 - Clean-up and restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction

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or maintenance by the utility, all 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. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the Village Engineer for good cause shown.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.200 - 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 highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
 - 2. In an emergency, the utility shall, as soon as possible, notify the Village Engineer or his/her duly authorized agent of the emergency, informing him/her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.
 - 3. In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.
- C. Emergency Repairs. The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within forty-eight hours after an emergency repair.

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~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.210 - 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 Engineer 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 Engineer 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 Engineer may authorize a variance only if the utility requesting the variance has demonstrated that:

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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 Engineer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Chapter but which carry out the purposes of this Chapter.
- E. Right to Appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Village Engineer under the provisions of this Chapter shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within thirty days after the date of such order, requirement, decision or determination. The Village Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The Village Board shall timely decide the appeal.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.220 - Unlawful acts designated.

It is unlawful:

- A. To deposit, throw, or place upon any public sidewalk, street, alley, parkway or public place any waste, garbage, ashes, cinders, barrels, combustibles or any other article which might obstruct or interfere with the use of the street, or which might cause injury to person, vehicles, animals or property;
- B. To cause, create, construct, build, replace or maintain any brick or stone mailbox, structure, or obstruction of any street, alley, road, sidewalk, parkway, right-of-way, fire hydrant or public way except as may be authorized by the Village.

~~(Ord. 2007-73 § 2 (part), 2007)~~

12.04.230 - 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/fines in accordance with the penalty provisions of this Code/Chapter 1.08, General Penalty. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

~~(Ord. 2007-73 § 2 (part), 2007)~~

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12.04.240 - 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.

(Ord. 2007-73 § 2 (part), 2007)

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12.04.250 - 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.

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Chapter 12.08 - CONSTRUCTION AND MAINTENANCE—DRIVEWAY APRONS, SERVICE WALKS, CARRIAGE WALKS AND OTHER APPURTANCES

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12.08.010 - Definitions.

A. A "driveway apron" as set forth in this Chapter, is that portion of any driveway providing ingress and egress to private property from the sidewalk, if any, to the street. If there is no sidewalk, the ingress and egress will be from any lot or property line to the street.

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B. A "service walk" is that part of any sidewalk providing access to private property from the sidewalk, if any, to the street.

C. A "carriage walk" is a strip of walk located immediately behind the curb generally between the driveway apron and the service walk. Carriage walks may not be greater than eighteen inches in width.

12.08.020 - Construction work—Permit—Required.

No person shall alter, construct, build or establish any driveway, driveway apron, service walk, carriage walk or other appurtenance over, across, or upon any public sidewalk or public way without securing a permit for such purpose issued by the Village. Application for such permit shall be made to the Village and shall be subject to the requirements set forth in Section 12.04.100 with respect to bonds and deposits. Any driveway, driveway apron, service walk, carriage walk, or other appurtenance shall meet the requirements of Title 16.

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12.08.030 - Construction work—Permit fee.

Before any driveway apron, service walk, carriage walk or other appurtenance permit is issued, there shall be paid to the Village a permit fee as set forth in Appendix A of this Code. No permit fee shall be charged where applicant has obtained a building permit for new construction.

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12.08.040 - Maintenance.

A. Every person maintaining any driveway apron, service walk, or carriage walk in the Village shall keep the same in good condition and repair.

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B. If a concrete brick paver apron is removed by the Village in the course of repairs or maintenance to the public street or utilities, the owner of the property shall replace said paver apron within ten days of notification by the Village that the street or utility work is complete. If said paver replacement is not performed by the owner of the property within said ten-day period, the Village may exercise its right to install a concrete apron pursuant to the standards of the Village Development Ordinance.

12.08.050 - Violation—Penalty.

In addition to the other remedies set forth in this Chapter, any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08.

Chapter 12.09 - PARKWAY MAINTENANCE RESPONSIBILITIES OF ABUTTING PROPERTY OWNERS

12.09.010 - Parkway maintenance responsibilities of abutting property owners.

Any property owner or tenant currently using the Village parkway or whose property may in the future benefit from the use of a portion of a Village parkway for access to that property shall maintain all parkway that is adjacent to that property. This maintenance obligation shall confer no rights on the property owner or tenant except that any third party shall be liable either in law, equity or as a trespass violation to the owner or tenant and the Village for any unpermitted use of such adjacent parkway. Nothing in this section shall be construed to compromise, in any manner, the absolute right of the Village to use any Village parkway as it deems advisable with or without notice to the adjacent property owner or tenant.

- A. All driveways, service walks, carriage walks and other appurtenances within public rights of way shall be kept in good repair by the owners or occupants of the abutting property. Any repair work, whether done by the Village or by the abutting owner, shall be under the supervision of the Village Engineer.
- B. The owner of private property abutting a public street shall be responsible for maintaining the frontage parkway free of growing weeds and other obnoxious and unsightly vegetation which detracts from the beauty and cleanliness of the immediate neighborhood. When such parkway has been improved to a lawn status, the property owner shall periodically mow and keep same free of rubbish and debris of all kind consistent with Village standards, and shall remove any obstacle or obstruction to the flow of water on the parkway.
- C. The owner of private property abutting a public street shall be responsible for maintaining the drainage pipe (culvert) under the driveway apron and service walk. If a drainage swale exists, the owner shall be responsible for maintaining the swale in such a way so as not to alter or impede the flow of water. It shall be considered unlawful to enclose the drainage swale in pipe or otherwise fill in the swale with soils or other materials without a permit being issued by the Village Engineer.
- D. The owner of private property which abuts upon a paved public sidewalk shall be responsible for keeping same clear of all debris and obstructions.
- E. In the event the owners of private property are not also the occupants, the responsibilities set forth in this section shall apply with equal force and effect to the tenants or those in actual possession or control of the private property.
- F. Lawn irrigation systems may be allowed in the parkway and their installation must be permitted through the Public Works Department. The Village reserves the right to remove sprinkler systems from the right of way if deemed an obstruction by the Village. Any damage that is caused by Village utility or street operations to any irrigation system shall be repaired at the property owner's expense.
- G. Mailboxes shall be kept in a well-maintained functioning condition, upright and well secured, or otherwise kept in good repair by the owners or occupants of the adjacent private property.
- H. This section is enacted solely for the purpose of promoting the preservation of proper drainage over and the attractive appearance of public rights of way in the Village, including parkways and

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public sidewalks. This section creates no duty on the part of any property owner in the Village running to any party other than the Village, and this section does not create any right of action for the benefit of any private party against any property owner in the Village or against the Village based on the failure of a property owner in the Village to fulfill any obligation to the Village imposed by this section.

- I. If Village utility or street operations cause damage to a public right of way, the Village shall repair the right of way according to Village standards. Unless specific permitting has been issued, the Village reserves the right to remove sprinkler systems and other obstructions from the right of way if deemed an obstruction by the Village. If damage is caused by Village utility or street operations to any unusual driveway materials, such as stamped or colored concrete or asphalt or specialty material pavers, located within the public right of way, the driveway shall be repaired by the owner at the driveway owner's expense with the understanding that the Village may reimburse the owner for the normal cost of concrete as determined by the Village. If damage is caused by Village utility or street operations to a property owner's improvements, such as sprinkler systems, fencing, electric fencing, landscaping, boulders, or other material, which are located within the public right of way, the property owner is responsible for the repair or replacement of such improvements at its expense.

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12.09.020 - Violation—Penalty.

In addition to the other remedies set forth in this Chapter, any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08.

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Chapter 12.20 - TREES, SHRUBS, AND OTHER PLANTS

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12.20.010 - Definitions.

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For the purposes of this Chapter, the following definitions apply:

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A. "Municipal property" means all property owned by or under the control or jurisdiction of the Village.

B. "Public highway" means all land lying between the sidewalks, all alleys and all roadways including adjacent municipal property.

C. "Trees" include shrubs which grow higher than ten feet.

12.20.020 - Interference with Village personnel prohibited.

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No person shall hinder, prevent or interfere with the agents, servants or employees of the Village while engaged in carrying out the provisions of this Chapter.

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12.20.030 - Authority to plant.

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The Village shall have the authority to install, plant, maintain, control, and remove all trees, shrubs, and other plantings located in any public right of way or on any property owned or maintained by the Village.

Maintenance of the Village's trees, shrubs, natural areas, and landscaping is the general responsibility of the Public Works Department and the Director of Public Works or designee. The Director of Public Works shall appoint a Forestry and Grounds Manager. The Forestry and Grounds Manager shall have the authority to interpret and enforce the provisions of this article. The Director of Public Works or designee may serve notice to any person in violation of the provisions of this code or initiate legal proceedings as may be necessary. The Forestry and Grounds Manager has the authority to revise and maintain the Village's Urban Forestry Management Plan. Any person who fails to comply with

any of the provisions of this section within ten days after notice from the Director of Public Works or designee shall be subject to the penalties provided in Section 12.20.140.

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12.20.040 - Planting and maintenance—Generally.

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No person shall prune, cut, molest, break, deface, destroy, spray, repair or do surgery work on any tree or part thereof or in any manner interfere with, disturb or injure any tree, shrub or plant upon a public highway or municipal property; nor shall any chemical be used for the control of insects or any disease or for any other reason; nor shall any person permit any chemical to seep, drain or be emptied on any tree, shrub or plant now planted or to be planted in a public highway or on municipal property without first obtaining a permit from the Director of Public Works. Any person who fails to comply with any of the provisions of this section within ten days after notice from the Director of Public Works or designee shall be subject to the penalties provided in Section 12.20.140.

12.20.050 - Attaching animals, advertisements, anchorage devices.

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No person shall hitch any animal to a tree, plant or shrub that is now or may hereafter be growing in any public highway or on any municipal property, nor fasten to for the purpose of anchorage, any wires or lights, rope, chain or cable, nor shall any person nail, tie or in any other manner fasten any card, sign, poster, board or any other article to any tree, shrub or plant that is now or may hereafter be growing in any public highway, rights-of-way, or on any municipal property. Any person who fails to comply with any of the provisions of this section within ten days after notice from the Director of Public Works or designee shall be subject to the penalties provided in Section 12.20.140.

12.20.060 - Excavations.

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No person shall excavate any ditch, tunnel, or trench within a radius of ten feet from any tree, shrub or plant that is now or may hereafter be growing in any public highway or in any municipal property without first obtaining a permit from the Director of Public Works.

12.20.070 - Maintenance—Property owner responsibility.

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A. Any tree or shrub growing on private property 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, cut, or removed by the owner of the premises on which such tree or shrub grows so as to remove the obstruction.

Shrubs or vegetation shall be kept entirely clear of sidewalks. Tree limbs shall not project over the sidewalk at a height of less than eight feet (8') above the sidewalk or twenty feet (20') above the street pavement. Owners of vegetation not maintained in the above manner shall be required to correct the violation within thirty (30) days of being served by the Village with a notice to do so. If the violation is not corrected within thirty (30) days, the Village reserves the right to cause the vegetation to be pruned or removed and to bill the owner for the cost of such work.

B. Any tree or portion of a tree growing on private property which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands. Owners of trees or vegetation not maintained in the above manner shall be required to correct the violation within thirty (30) days of service of such notification from the director of public works. If the violation is not corrected within thirty (30) days, the village reserves the right to cause the tree to be pruned or removed and to bill the property owner for the cost of such work.

If the risk of personal injury or property damage due to a dangerous tree is imminent, the Village reserves the right to act immediately to alleviate the hazard and notify and bill the property owner thereafter.

Any person who fails to comply with any of the provisions of this section within ten days after notice from the Director of Public Works or designee shall be subject to the penalties provided in Section 12.20.140.

12.20.080 - Visual obstruction of intersection.

Notwithstanding the provisions of Section 12.20.070 and in addition thereto, every owner or person in control of any tree, shrub, or plant growing on private property shall trim the same in order that they shall not obstruct the view of motorists, cyclists and/or pedestrians at street intersections. Specifically, such trees, shrubs or plants shall in every case conform to the following restrictions: within a radius of twenty feet from the corner point of the lot nearest the street intersection, no planted vegetation shall exceed the height of thirty-six inches above the top of the curbs, except for trees, in which case the lowest limb must be at least five feet above the top of the curb or three feet above the top of corner-planted shrubs, whichever is higher. This section shall not apply to trees with a diameter at one foot above ground level of three inches or less; provided, that not more than two such trees exist in the regulated corner area.

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Any person who fails to comply with the provisions of this section within ten days after written notice from the Director of Public Works or designee shall be subject to the penalties provided in this Chapter.

12.20.090 - Infected trees declared a nuisance.

All species and varieties of elm tree (trees of genus Ulmus) infected with the fungus known as the Dutch elm disease (Certostomella ulmi) as determined by laboratory analysis and emerald ash borer-infested ash trees (Fraxinus spp) as determined by the Department of Public Works Division of Forestry are declared a public nuisance.

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12.20.091 - Certain dead trees declared a nuisance.

All species and varieties of elm trees that are dead or substantially dead, and all dead elmwood to which the bark is still attached, which because of its condition, may serve as a breeding place for the European elm bark beetle (Scotytus multistriatus) and the native elm bark beetle (Hylurgopinus rufipes) and emerald ash borer (Agrilus planipennis Fairmaire)-infested ash trees as determined by the Department of Public Works Division of Forestry are declared to be public nuisances.

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12.20.092 - Disposition of trees.

A. It is unlawful for any owner of any lot or parcel of land in the Village to permit or maintain on any lot or parcel of land, any elm tree or dead elmwood or ash tree or ashwood which, as provided in Sections 12.20.090 and 12.20.091 is declared a public nuisance, and it shall be the duty of any owner promptly to remove and dispose of any elm tree or dead elmwood within ten days following notification of the discovery of such trees or wood.

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B. It shall be the duty of any owner and/or for any landscape contractor, promptly to remove and dispose of any ash tree or ashwood within ten days following notification of the discovery of such trees or wood. It is unlawful for such owner or landscape contractor to remove from any lot or parcel of land such trees or wood unless: (1) the trees or wood have been chipped or processed to a size measuring less than one inch in two dimensions; (2) the bark and outer one-half inch of sapwood has been removed; or (3) the trees or wood are moved to a certified processing site, as certified by the Director of the Illinois Department of Agriculture, by a landscape contractor who shall have in his/her possession a fully executed, certified copy of the Illinois Department of Agriculture's Emerald Ash Borer Quarantine Zone Compliance Agreement. It is also unlawful to remove and transport any such trees or wood between May 1st and August 31st or at any other time so designated by the Illinois

Department of Agriculture. Whenever any ash tree is removed from any lot or parcel of land in the Village, the owner of such lot shall cause the ash stump to be ground to eight inches below the soil surface and covered with soil.

12.20.093 - Right to enter premises and inspect trees.

In order to carry out the purposes of Sections 12.20.090 through 12.20.092, and to implement its enforcement, the Village's Director of Public Works or designee, is authorized and empowered to enter upon any lot or parcel of land in the Village at all reasonable hours for the purpose of inspecting any elm trees, ash trees, dead elmwood or ashwood situated thereon and may remove specimens from any trees as are required for the purpose of laboratory analysis referred to in Section 12.20.090, or to determine whether the trees, because they are dead or substantially dead, may serve as a breeding place for the European elm bark beetle, the native elm bark beetle or the emerald ash borer. It is unlawful for any person to take any action to prevent the Director of Public Works or designee from entering on any lot or parcel of land in the Village for the purpose of the inspection, or to interfere with the Director of Public Works or designee in the performance of any of the duties provided for under provisions of Sections 12.20.090, 12.20.091 or 12.20.092.

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12.20.094 - Notice to owner of infected elm/elmwood or ash/ashwood to comply.

A. If, upon analysis of specimens removed from any elm or ash tree by the Village's Director of Public Works or designee, it is determined that the tree is a public nuisance as provided in Section 12.20.090, or if the Director of Public Works or designee determines that any dead, or substantially dead, elm tree, ash tree, dead elmwood or dead ashwood, is a public nuisance as provided in Section 12.20.091, the Director of Public Works or designee shall serve or cause to be served on the owner of the lot or parcel of land on which the tree or dead elmwood or dead ashwood is located, a written notice requiring the owner to comply with the provisions herein. If the person upon whom the notice is served fails, neglects or refuses to remove and destroy the elm tree, ash tree, dead elmwood or dead ashwood within thirty days after service of the notice, the Village may proceed to remove and destroy the tree, dead elmwood or ashwood.

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B. If the Village removes any tree which is a public nuisance as provided by Section 12.20.090 or 12.20.091, the assessment of the cost of the work done by the Village against the owner of the lot or parcel of land involved shall be in addition to any penalties imposed in this Code for any violation or noncompliance with any provisions of this Code. Additionally, the Village may place a lien upon such property for such costs incurred in the manner provided by law.

12.20.095 - Service of notice.

Service of notice shall be by personal service or certified mail, addressed to the owner at his/her last known address.

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12.20.100 - Insects declared a nuisance.

Gypsy moths (*Porthetria dispar*) and eastern tent caterpillar (*Malacosoma americana*) are declared to be a public nuisance. It is unlawful for any owner of any lot or parcel of land in the Village to permit an infestation of egg masses of gypsy moth or eastern tent caterpillar to remain as a nuisance. It shall be the duty of any owner to promptly and properly remove and destroy any and all insect nuisance. Additionally, any property that may be considered as having transported gypsy moth egg masses such as camping equipment and vehicles from a gypsy moth quarantine area are subject to being inspected.

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12.20.101 - Right to enter premises and inspect trees.

In order to carry out the purpose of Section 12.10.100 and to implement its enforcement, the Village's Director of Public Works or designee, is authorized and empowered to enter upon any lot or parcel of land in the Village at all reasonable hours for the purpose of determining the presence of gypsy

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moth and eastern tent caterpillar insects or egg masses. It is unlawful for any person to take any action to prevent the Director of Public Works or designee from entering on any lot or parcel of land in the Village for the purpose of the inspection, or to interfere with the Director of Public Works or designee in the performance of any of the duties provided for under provisions of Section 12.20.100.

12.20.102 - Notice to owner of insect infected trees to comply.

If it is determined that gypsy moth or eastern tent caterpillar insects or egg masses have infected trees, the Director of Public Works or designee shall serve or cause to be served on the owner of the lot or parcel of land on which the nuisance exists, a written notice requiring the owner to comply with the provisions Section 12.10.100. If the person upon whom the notice is served fails, neglects or refuses to remove and destroy the insect nuisances within thirty days after notice, the Director of Public Works or designee, may proceed to have the nuisances removed and destroyed. The cost of the removal shall be assessed against the property owner and shall be paid by the owner to the Village as set forth in Section 12.20.094. Notice shall be served in accordance with Section 12.20.095.

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12.20.103 - Insect infected trees belonging to Village.

All insect nuisances found in trees on property owned by the Village may promptly be removed at the Village's expense.

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12.20.110 - Planting, removal.

It is unlawful for any person to plant any tree, shrub or plant upon any public highway or municipal property until he has secured a written permit from the Director of Public Works or designee. The application for such permit shall designate the location, species and approximate size of the tree, plant or shrub to be planted and the method proposed to be followed. It shall be the duty of the Director of Public Works or designee to remove or cause to be removed all trees, shrubs or plants planted in a public highway or municipal property when such removal is beneficial to the peace, health or safety of the public or where such tree, shrub or plant is detrimental to the growth of adjacent trees, shrubs or plants.

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12.20.120 - Removal of public nuisances.

The Director of Public Works or representative shall give to the owner of the premises where a nuisance as described in this Chapter is found a written notice of the existence of such nuisance which may require the removal of such nuisance within ten days following the notice, such removal to be done under the direction of the Director of Public Works or representative. The notice may further state that unless the nuisance is removed in compliance with the terms thereof within said ten-day period, the Director of Public Works may proceed to remove the same and assess the cost thereof against the property owner. Service of the notice may be by personal service or by registered mail to the property address. In the event the owner does not live on the premises, notice may be sent by ordinary mail to the last known address of the owner.

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12.20.130 - Enforcement.

The Director of Public Works or designee is charged with the enforcement of this Chapter, and to that end may enter upon private property at all reasonable hours for the purpose of inspecting trees, shrubs and plants. The Director of Public Works may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected.

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12.20.140 - Violation—Penalty.

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(Ord. 2007-73 § 2 (part), 2007)

~~Chapter 12.06~~ In addition to the other remedies set forth in this Chapter, any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08.

Chapter 12.22 - REGULATION OF AND APPLICATION FOR SMALL WIRELESS FACILITIES

Sections:

~~12.0622.010~~ - Purpose and Scope.

- A. Purpose. The purpose of this Chapter is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, in a manner that is consistent the Act.
- B. Conflicts with Other Ordinances. This Chapter supersedes all Ordinances or parts of Ordinances adopted prior hereto, including, but not by way of limitation, Chapter 12.04 (Construction and Use of Public Ways) and Chapter 17.34 (Telecommunication Facilities) that are in conflict herewith, to the extent of such conflict.
- C. 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 wireless provider shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or State laws or regulations.

~~(Ord. No. 2018-036, § 2, 7-16-2018)~~

~~12.0622.020~~ - Definitions.

- A. For purposes of this Ordinance, the following terms shall have the following meanings:
 1. "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.
 2. "Applicable codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.
 3. "Applicant" means any person who submits an application and is a wireless provider.
 4. "Application" means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.
 5. "Collocate" or "collocation" means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.
 6. "Communications service" means cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.
 7. "Communications service provider" means a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.
 8. "FCC" means the Federal Communications Commission of the United States.
 9. "Fee" means a one-time charge.

Commented [DM5]: Pat needs to review this section see if there are any updates in state law about the small facilities

Commented [BR6R5]: @Kelly Purvis Should this be moved to the UDO ?

Commented [KP7R5]: @Brett Robinson That is a good idea. We can take a holistic look at all cell site regs, including those in the zoning ordinance.

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10. "Historic district" or "historic landmark" means a building, property, or site, or group of buildings, properties, or sites that are either:
 - (i) Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or
 - (ii) Designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.
11. "Law" means a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.
12. "Micro wireless facility" means a small wireless facility that is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, no longer than eleven inches.
13. "Municipal utility pole" means a utility pole owned or operated by the Village in public rights-of-way.
14. "Permit" means a written authorization required by the Village to perform an action or initiate, continue, or complete a project.
15. "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.
16. "Public safety agency" means the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.
17. "Rate" means a recurring charge.
18. "Right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.
19. "Small wireless facility" means a wireless facility that meets both of the following qualifications:
 - (i) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and
 - (ii) All other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five cubic feet in volume.

The following types of associated ancillary equipment are not included in the calculation of equipment volume: Electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

20. "Utility pole" means a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.
21. "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:
 - (i) Equipment associated with wireless communications; and
 - (ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. "Wireless facility" does not include the structure or improvements on, under, or within which the equipment is collocated; or wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.
22. "Wireless infrastructure provider" means any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.
23. "Wireless provider" means a wireless infrastructure provider or a wireless services provider.
24. "Wireless services" means any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.
25. "Wireless services provider" means a person who provides wireless services.
26. "Wireless support structure" means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

~~(Ord. No. 2018-036, § 2, 7-16-2018)~~

~~12.0622.030 - Small Wireless Facilities.~~

- A. Permitted Use. Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in Section C.9. regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated:
 1. In rights-of-way in any zoning district, or
 2. Outside rights-of-way in property zoned exclusively B1, B2, B3, B4, B5, and I Zoning Districts of the Village.
- B. Permit Required. An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:
 1. Application Requirements. A wireless provider shall provide the following information to the Village, together with the Village's Small Wireless Facilities Permit Application, as a condition of

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Attachment: Title 12 - Redline (Code Review Titles 12 & 13)

any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

- a. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
 - b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
 - c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
 - d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
 - e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved;
 - f. Emergency contact information of the application and installation contractor which shall include at a minimum a cellular phone number, email address and mailing address; and
 - g. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.
 - h. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.
2. Application Process. The Village shall process applications as follows:
- a. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.
 - b. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within ninety days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than seventy-five days after the submission of a completed application.

The permit shall be deemed approved on the latter of the ninetieth day after submission of the complete application or the tenth day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Chapter.

- c. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the

Village fails to approve or deny the application within one hundred twenty days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than one hundred five days after the submission of a completed application.

The permit shall be deemed approved on the latter of the one hundred twentieth day after submission of the complete application or the tenth day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided within this Chapter.

- d. The Village shall deny an application that does not meet the requirements of this Chapter.

If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within thirty days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application within thirty days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within thirty days of denial shall require the applicant to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

- e. Pole Attachment Agreement. Within thirty days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter in a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the applicant. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter in a License Supplement of the Master Pole Attachment Agreement. The Village Manager, or his designee, is hereby authorized to enter into such an Agreement and License on behalf of the Village.

3. **Completeness of Application.** Within thirty days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within thirty days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the application provided the missing information.

4. **Tolling.** The time period for applications may be further tolled by:
 - a. An express written agreement by both the applicant and the Village; or
 - b. A local, State or federal disaster declaration or similar emergency that causes the delay.
5. **Consolidated Applications.** An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to twenty-five small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

6. **Duration of Permits.** The duration of a permit shall be for a period of not less than five years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Chapter.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal.

7. **Means of Submitting Applications.** Applicants shall submit applications, supporting information, and notices to the Village by personal delivery to the Village's Engineering Department, by regular mail postmarked on the date due or by another other commonly used means, including electronic mail or by another method as otherwise required by the Village.

C. Collocation Requirements and Conditions.

1. **Public Safety Space Reservation.** The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.
2. **Installation and Maintenance.** The wireless provider shall install, maintain, repair and modify its small wireless facilities in a safe condition and good repair and in compliance with the requirements and conditions of this Chapter. The wireless provider shall ensure that its employees, agents or contracts that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

3. No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

4. The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

5. The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.
6. The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in the Village's Comprehensive Plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.
7. Alternate Placements. Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within one hundred feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate

location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

8. Height Limitations. The maximum height of a small wireless facility shall be no more than ten feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

- a. Ten feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within three hundred feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within three hundred feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
 - b. Forty-five feet above ground level.
9. Height Exceptions or Variances on Rights-of-way. If an applicant proposes a height for a new or replacement pole, located within the Village's right-of-way, in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a Variance in conformance with procedures, terms and conditions set forth in the Village's Zoning Ordinance.
 10. Height Exceptions or Variances on Property Outside of Rights-of-Way. If an applicant proposes a height for a new or replacement pole, located on property that is not within a right-of-way located in the Village, in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a Variation in conformance with procedures, terms and conditions set forth in Village's Zoning Ordinance.
 11. Contractual Design Requirements. The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
 12. Ground-mounted Equipment Spacing. The wireless provider shall comply with applicable spacing requirements in applicable codes and this Chapter concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.
 13. Undergrounding Regulations. The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

14. Collocation Completion Deadline. Collocation for which a permit is granted shall be completed within one hundred eighty days after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within sixty days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed three hundred sixty days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

D. Application Fees. Application fees are imposed as follows:

1. The applicant shall pay an application fee as set forth in ~~Chapter 1.16~~Appendix A, of this Code for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure and the fee as set forth in ~~Chapter 1.16~~Appendix A, of this Code for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
2. The applicant shall pay an application fee as set forth in ~~Chapter 1.16~~Appendix A, of this Code for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
3. Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.
4. The Village shall not require an application, approval, or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
 - a. Routine maintenance;
 - b. The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least ten days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section title Application Requirements; or
 - c. The installation, placement, maintenance, operation, or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
5. Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

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E. Exceptions to Applicability. Nothing in this Chapter authorizes a person to collocate small wireless facilities on:

1. Property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;
2. Property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation, or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that

are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

3. Property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed, and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Chapter shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Chapter.

- F. Pre-Existing Agreements. Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions contained therein. Agreement entered into after June 1, 2018, shall comply with this Chapter.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Chapter for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this Section.

- G. Annual Recurring Rate. A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) the fee set forth in ~~Chapter 1-16~~Appendix A, of this Code or (ii) the actual, direct, and reasonable costs related to the wireless provider's use of space on the Village utility pole.

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If the Village has not billed the wireless provider actual and direct costs, the fee shall be the fee set forth in ~~Chapter 1-16~~Appendix A, of this Code payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

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- H. Abandonment. A small wireless facility that is not operated for a continuous period of twelve months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within ninety days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within ninety days of such notice, the Village may remove or cause the removal of such facility pursuant

to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

~~(Ord. No. 2018-036, § 2, 7-16-2018)~~

12.0622.040 - Dispute Resolution.

The Circuit Court of Cook County shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than the fee set forth in ~~Chapter 1-16~~ Appendix A, of this Code per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

~~(Ord. No. 2018-036, § 2, 7-16-2018)~~

12.0622.050 - Indemnification.

A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Chapter and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

~~(Ord. No. 2018-036, § 2, 7-16-2018)~~

12.0622.060. - Insurance.

The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance: (i) property insurance for its property's replacement cost against all risks; (ii) workers' compensation insurance, as required by law; or (iii) commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of authority improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

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(Ord. No. 2018-036, § 2, 7-16-2018)

12.0622.070 - SEVERABILITY.

If any provision of this Chapter or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Chapter is severable.

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(Ord. No. 2018-036, § 2, 7-16-2018)

~~Chapter 12.08 - CONSTRUCTION AND MAINTENANCE - DRIVEWAY APRONS, SERVICE WALKS, CARRIAGE WALKS AND OTHER APPURTANCES⁽¹⁾~~

Footnotes:

~~(1)~~

~~Editor's note~~ Ord. No. 2014-62, § 2, adopted October 6, 2014, amended the title of Ch. 12.08 to read as set out herein. Previously Ch. 12.08 was titled construction and maintenance - driveway aprons.

~~Note~~ Prior ordinance history: Ords. 66-1 and 72-39.

~~12.08.010 - Definitions.~~

~~A. A "driveway apron" as set forth in this Chapter, is that portion of any driveway providing ingress and egress to private property from the sidewalk, if any, to the street. If there is no sidewalk, the ingress and egress will be from any lot or property line to the street.~~

~~B. A "service walk" is that part of any sidewalk providing access to private property from the sidewalk, if any, to the street.~~

~~C. A "carriage walk" is a strip of walk located immediately behind the curb generally between the driveway apron and the service walk. Carriage walks may not be greater than eighteen inches in width.~~

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(Ord. 95-71 § 1 (part), 1995; Ord. 94-48 § 1 (part), 1994)

(Ord. No. 2014-62, § 2, 10-6-2014)

~~12.08.020 - Construction work - Permit - Required.~~

~~No person shall alter, construct, build or establish any driveway, driveway apron, service walk, carriage walk or other appurtenance over, across, or upon any public sidewalk or public way without securing a permit for such purpose issued by the Village. Application for such permit shall be made to the Village and shall be subject to the requirements set forth in Section 12.04.020 with respect to bonds and deposits. Any driveway, driveway apron, service walk, carriage walk or other appurtenance shall meet the requirements of Title 16.~~

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(Ord. 95-71 § 1 (part), 1995; Ord. 94-48 § 1 (part), 1994)

(Ord. No. 2014-62, § 2, 10-6-2014)

~~12.08.030 Construction work Permit fee.~~

Before any driveway apron, service walk, carriage walk or other appurtenance permit is issued, there shall be paid to the Village Clerk a permit fee as set forth in Chapter 1.16 of this Code. ~~No permit fee shall be charged where applicant has obtained a building permit for new construction.~~

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(Ord. No. 2013-67, § 9, 10-7-2013; Ord. 94-48 § 1 (part), 1994)

(Ord. No. 2014-62, § 2, 10-6-2014; Ord. No. 2015-6, § 1, 1-19-2015; Ord. No. 2016-057, § 2, 11-7-2016)

~~12.08.040 Maintenance.~~

~~A. Every person maintaining any driveway apron, service walk, or carriage walk in the Village shall keep the same in good condition and repair.~~

~~B. In the event that a concrete brick paver apron is removed by the Village in the course of repairs or maintenance to the public street or utilities, the owner of the property shall replace said paver apron within ten days of notification by the Village that the street or utility work is complete. If said paver replacement is not performed by the owner of the property within said ten-day period, the Village may exercise its right to install a concrete apron pursuant to the standards of the Village Development Ordinance.~~

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(Ord. 96-62 § 2, 1996; Ord. 94-48 § 1 (part), 1994)

(Ord. No. 2014-62, § 2, 10-6-2014)

~~12.08.050 Violation Penalty.~~

Any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08.

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(Ord. 94-48 § 1, 1994)

~~Chapter 12.09 PARKWAY MAINTENANCE RESPONSIBILITIES OF ABUTTING PROPERTY OWNERS~~~~12.09.010 Parkway maintenance responsibilities of abutting property owners.~~

~~Any property owner or tenant currently using the Village parkway or whose property may in the future benefit from the use of a portion of a Village parkway for access to that property shall maintain all parkway that is adjacent to that property. This maintenance obligation shall confer no rights on the property owner or tenant except that any third party shall be liable either in law, equity or as a trespass violation to the owner or tenant and the Village for any unpermitted use of such adjacent parkway. Nothing in this section shall be construed to compromise, in any manner, the absolute right of the Village to use any Village parkway as it deems advisable with or without notice to the adjacent property owner or tenant.~~

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~~A. All driveways, service walks, carriage walks and other appurtenances within public rights of way shall be kept in good repair by the owners or occupants of the abutting property. Any repair work, whether done by the Village or by the abutting owner, shall be under the supervision of the Village Engineer.~~

~~B. The owner of private property abutting a public street shall be responsible for maintaining the frontage parkway free of growing weeds and other obnoxious and unsightly vegetation which detracts from the beauty and cleanliness of the immediate neighborhood. When such parkway has been improved to a lawn status, the property owner shall periodically mow and keep same free of rubbish and debris of all kind consistent with Village standards, and shall remove any obstacle or obstruction to the flow of water on the parkway.~~

~~C. The owner of private property abutting a public street shall be responsible for maintaining the drainage pipe (culvert) under the driveway apron and service walk. If a drainage swale exists, the owner shall be responsible for maintaining the swale in such a way so as not to alter or impede the flow of water. It shall be considered unlawful to enclose the drainage swale in pipe or otherwise fill in the swale with soils or other materials without a permit being issued by the Village Engineer.~~

~~D. The owner of private property which abuts upon a paved public sidewalk shall be responsible for keeping same clear of all debris and obstructions.~~

~~E. In the event the owners of private property are not also the occupants, the responsibilities set forth in this section shall apply with equal force and effect to the tenants or those in actual possession or control of the private property.~~

~~F. Lawn irrigation systems may be allowed in the parkway and their installation must be permitted through the Public Works Department. The Village reserves the right to remove sprinkler systems from the right of way if deemed an obstruction by the Village. Any damage that is caused by Village utility or street operations to any irrigation system shall be repaired at the property owner's expense.~~

~~G. Mailboxes shall be kept in a well maintained functioning condition, upright and well secured, or otherwise kept in good repair by the owners or occupants of the adjacent private property.~~

~~H. This section is enacted solely for the purpose of promoting the preservation of proper drainage over and the attractive appearance of public rights of way in the Village, including parkways and public sidewalks. This section creates no duty on the part of any property owner in the Village running to any party other than the Village, and this section does not create any right of action for the benefit of any private party against any property owner in the Village or against the Village based on the failure of a property owner in the Village to fulfill any obligation to the Village imposed by this section.~~

~~I. In the event that Village utility or street operations cause damage to a public right of way, the Village shall repair the right of way according to Village standards. Unless specific permitting has been issued, the Village reserves the right to remove sprinkler systems and other obstructions from the right of way if deemed an obstruction by the Village. In the event that damage is caused by Village utility or street operations to any unusual driveway materials, such as stamped or colored concrete or asphalt or specialty material pavers, located within the public right of way, the driveway shall be repaired by the owner at the driveway owner's expense with the understanding that the Village may reimburse the owner for the normal cost of concrete as determined by the Village. In the event that damage is caused by Village utility or street operations to a property owner's improvements, such as sprinkler systems, fencing, electric fencing, landscaping, boulders, or other material, which are located within the public right of way, the property owner is responsible for the repair or replacement of such improvements at its expense.~~

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(Ord. No. 2014-62, § 3, 10-6-2014)

~~12.09.020 Violation Penalty.~~

Any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08.

(Ord. No. 2014 62, § 3, 10-6-2014)

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~~Chapter 12.20 TREES, SHRUBS, AND OTHER PLANTS~~~~12.20.010 Definitions.~~

For the purposes of this Chapter, the following definitions apply:

A. "Municipal property" means all property owned by or under the control or jurisdiction of the Village.

B. "Public highway" means all land lying between the sidewalks, all alleys and all roadways including adjacent municipal property.

C. "Trees" include shrubs which grow higher than ten feet.

(Ord. 70-29 § 1, 1970)

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~~12.20.020 Interference with Village personnel prohibited.~~

No person shall hinder, prevent or interfere with the agents, servants or employees of the Village while engaged in carrying out the provisions of this Chapter.

(Ord. 70-29 § 2, 1970)

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~~12.20.030 Authority to plant.~~

The Village shall have the exclusive right to plant, maintain and control all trees, shrubs and plants planted or to be planted on public highways and municipal property unless written authority is otherwise granted from the Director of Public Works.

(Ord. 70-29 § 3, 1970)

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~~12.20.040 Planting and maintenance Generally.~~

No person shall prune, cut, molest, break, deface, destroy, spray, repair or do surgery work on any tree or part thereof or in any manner interfere with, disturb or injure any tree, shrub or plant upon a public highway or municipal property, nor shall any chemical be used for the control of insects or any disease or for any other reason, nor shall any person permit any chemical to seep, drain or be emptied on any tree, shrub or plant now planted or to be planted in a public highway or on municipal property without first obtaining a permit from the Director of Public Works.

(Ord. 70-29 § 4, 1970)

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~~12.20.050 Attaching animals, advertisements, anchorage devices.~~

No person shall hitch any animal to a tree, plant or shrub that is now or may hereafter be growing in any public highway or on any municipal property, nor fasten to for the purpose of anchorage, any wire, rope, chain or cable, nor shall any person nail, tie or in any other manner fasten any card, sign, poster, board or any other article to any tree, shrub or plant that is now or may hereafter be growing in any public highway or on any municipal property.

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(Ord. 70-29 § 5, 1970)

~~12.20.060 Excavations.~~

No person shall excavate any ditch, tunnel or trench within a radius of ten feet from any tree, shrub or plant that is now or may hereafter be growing in any public highway or in any municipal property without first obtaining a permit from the Director of Public Works.

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(Ord. 70-29 § 6, 1970)

~~12.20.070 Maintenance - Property owner responsibility.~~

The owner or person in control of any lot or parcel of land in the Village upon which any trees are growing shall trim or cause to be trimmed the branches thereof so that the same shall not obstruct the passage of light from any street light in any street, alley or highway in the Village to the adjacent street or sidewalk. Owners shall trim all branches of any tree now or hereafter growing on their premises which overhang any sidewalk, street, alley or public highway so that there shall be a clear height of twenty feet above the surface of the street, alley or highway unobstructed by branches, and a clear height of eight feet over any sidewalk. Such owners shall also remove from such trees all dead, decayed or broken limbs or branches that overhang such street, alley or highway. When any of such trees are dead, such owners shall remove the same so that they shall not fall in the street, alley or public highway.

Any person who fails to comply with any of the provisions of this section within ten days after notice from the Director of Public Works or designee of the particular things to be done under this section shall be subject to the penalties provided in Section 12.20.140.

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(Ord. 95-35 § 24 (part), 1995; Ord. 70-29 § 7, 1970)

~~12.20.080 Visual obstruction of intersection.~~

~~Notwithstanding the provisions of Section 12.20.070 and in addition thereto, every owner or person in control of any tree, shrub, or plant growing on private property shall trim the same in order that they shall not obstruct the view of motorists, cyclists and/or pedestrians at street intersections. Specifically, such trees, shrubs or plants shall in every case conform to the following restrictions: within a radius of twenty feet from the corner point of the lot nearest the street intersection, no planted vegetation shall exceed the height of thirty six inches above the top of the curbs, except for trees, in which case the lowest limb must be at least five feet above the top of the curb or three feet above the top of corner planted shrubs, whichever is higher. This section shall not apply to trees with a diameter at one foot above ground level of three inches or less; provided, that not more than two such trees exist in the regulated corner area.~~

~~Any person who fails to comply with the provisions of this section within ten days after written notice from the Director of Public Works or designee of the particular things to be done under this section shall be subject to the penalties provided in this Chapter.~~

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(Ord. 95-35 § 24 (part), 1995; Ord. 70-29 § 8, 1970)

~~12.20.090 Infected trees declared a nuisance.~~

~~All species and varieties of elm tree (trees of genus Ulmus) infected with the fungus known as the Dutch elm disease (Cercospora ulmi) as determined by laboratory analysis and emerald ash borer infested ash trees (Fraxinus spp) as determined by the Department of Public Works Division of Forestry are declared a public nuisance.~~

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(Ord. 2007-61 § 2 (part), 2007)

~~12.20.091 Certain dead trees declared a nuisance.~~

~~All species and varieties of elm trees that are dead or substantially dead, and all dead elmwood to which the bark is still attached, which because of its condition, may serve as a breeding place for the European elm bark beetle (*Scolytus multistriatus*) and the native elm bark beetle (*Hylurgopinus rufipes*) and emerald ash borer (*Agrius planipennis* Fairmaire) infested ash trees as determined by the Department of Public Works Division of Forestry are declared to be public nuisances.~~

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(Ord. 2007-61 § 2 (part), 2007)

~~12.20.092 Disposition of trees.~~

~~A. It is unlawful for any owner of any lot or parcel of land in the Village to permit or maintain on any lot or parcel of land, any elm tree or dead elmwood or ash tree or ashwood which, as provided in Sections 12.20.090 and 12.20.091 is declared a public nuisance, and it shall be the duty of any owner promptly to remove and dispose of any elm tree or dead elmwood within ten days following notification of the discovery of such trees or wood.~~

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~~B. It shall be the duty of any owner and/or for any landscape contractor, promptly to remove and dispose of any ash tree or ashwood within ten days following notification of the discovery of such trees or wood. It is unlawful for such owner or landscape contractor to remove from any lot or parcel of land such trees or wood unless: (1) the trees or wood have been chipped or processed to a size measuring less than one inch in two dimensions; (2) the bark and outer one-half inch of sapwood has been removed; or (3) the trees or wood are moved to a certified processing site, as certified by the Director of the Illinois Department of Agriculture, by a landscape contractor who shall have in his/her possession a fully executed, certified copy of the Illinois Department of Agriculture's Emerald Ash Borer Quarantine Zone Compliance Agreement. It is also unlawful to remove and transport any such trees or wood between May 1st and August 31st or at any other time so designated by the Illinois Department of Agriculture. Whenever any ash tree is removed from any lot or parcel of land in the Village, the owner of such lot shall cause the ash stump to be ground to eight inches below the soil surface and covered with soil.~~

(Ord. 2007-61 § 2 (part), 2007)

~~12.20.093 Right to enter premises and inspect trees.~~

~~In order to carry out the purposes of Sections 12.20.090 through 12.20.092, and to implement its enforcement, the Village's Director of Public Works or designee, is authorized and empowered to enter upon any lot or parcel of land in the Village at all reasonable hours for the purpose of inspecting any elm trees, ash trees, dead elmwood or ashwood situated thereon and may remove specimens from any trees as are required for the purpose of laboratory analysis referred to in Section 12.20.090, or to determine whether the trees, because they are dead or substantially dead, may serve as a breeding place for the European elm bark beetle, the native elm bark beetle or the emerald ash borer. It is unlawful for any person to take any action to prevent the Director of Public Works or designee from entering on any lot or parcel of land in the Village for the purpose of the inspection, or to interfere with the Director of Public Works or designee in the performance of any of the duties provided for under provisions of Sections 12.20.090, 12.20.091 or 12.20.092.~~

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(Ord. 2007-61 § 2 (part), 2007)

~~12.20.094 Notice to owner of infected elm/elmwood or ash/ashwood to comply.~~

~~A. If, upon analysis of specimens removed from any elm or ash tree by the Village's Director of Public Works or designee, it is determined that the tree is a public nuisance as provided in Section 12.20.090, or if the Director of Public Works or designee determines that any dead, or substantially dead, elm tree, ash tree, dead elmwood or dead ashwood, is a public nuisance as provided in Section 12.20.091, the Director of Public Works or designee shall serve or cause to be served on the owner of the lot or parcel of land on which the tree or dead elmwood or dead ashwood is located, a written notice requiring the owner to comply with the provisions herein. If the person upon whom the notice is served fails, neglects or refuses to remove and destroy the elm tree, ash tree, dead elmwood or dead ashwood within thirty days after service of the notice, the Village may proceed to remove and destroy the tree, dead elmwood or ashwood.~~

~~B. If the Village removes any tree which is a public nuisance as provided by Section 12.20.090 or 12.20.091, the assessment of the cost of the work done by the Village against the owner of the lot or parcel of land involved shall be in addition to any penalties imposed in this Code for any violation or noncompliance with any provisions of this Code. Additionally, the Village may place a lien upon such property for such costs incurred in the manner provided by law.~~

(Ord. 2007-61 § 2 (part), 2007)

~~12.20.095 Service of notice:~~

~~Service of notice shall be by personal service or certified mail, addressed to the owner at his/her last known address.~~

(Ord. 2007-61 § 2 (part), 2007)

~~12.20.096 Reserved.~~

Editor's note — Ord. No. 2013-37, § 1, adopted July 15, 2013, repealed § 12.20.096, in its entirety. Former § 12.20.096 pertained to infected trees belonging to village and was derived from Ord. 2007-61 § 2 (part), adopted 2007.

~~12.20.100 Insects declared a nuisance.~~

~~Gypsy moths (*Porthetria dispar*) and eastern tent caterpillar (*Malacosoma americana*) are declared to be a public nuisance. It is unlawful for any owner of any lot or parcel of land in the Village to permit an infestation of egg masses of gypsy moth or eastern tent caterpillar to remain as a nuisance. It shall be the duty of any owner to promptly and properly remove and destroy any and all insect nuisance. Additionally, any property that may be considered as having transported gypsy moth egg masses such as camping equipment and vehicles from a gypsy moth quarantine area are subject to being inspected.~~

(Ord. 2007-61 § 2 (part), 2007)

~~12.20.101 Right to enter premises and inspect trees.~~

~~In order to carry out the purpose of Section 12.20.100 and to implement its enforcement, the Village's Director of Public Works or designee, is authorized and empowered to enter upon any lot or parcel of land in the Village at all reasonable hours for the purpose of determining the presence of gypsy moth and eastern tent caterpillar insects or egg masses. It is unlawful for any person to take any action~~

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~~to prevent the Director of Public Works or designee from entering on any lot or parcel of land in the Village for the purpose of the inspection, or to interfere with the Director of Public Works or designee in the performance of any of the duties provided for under provisions of Section 12-20-100.~~

(Ord. 2007-61 § 2 (part), 2007)

~~12-20-102 Notice to owner of insect infected trees to comply.~~

~~If it is determined that gypsy moth or eastern tent caterpillar insects or egg masses have infected trees, the Director of Public Works or designee shall serve or cause to be served on the owner of the lot or parcel of land on which the nuisance exists, a written notice requiring the owner to comply with the provisions Section 12-10-100. If the person upon whom the notice is served fails, neglects or refuses to remove and destroy the insect nuisances within thirty days after notice, the Director of Public Works or designee, may proceed to have the nuisances removed and destroyed. The cost of the removal shall be assessed against the property owner and shall be paid by the owner to the Village as set forth in Section 12-20-094. Notice shall be served in accordance with Section 12-20-095.~~

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(Ord. 2007-61 § 2 (part), 2007)

~~12-20-103 Insect infected trees belonging to Village.~~

~~All insect nuisances found in trees on property owned by the Village shall promptly be removed at the Village's expense.~~

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(Ord. 2007-61 § 2 (part), 2007)

~~12-20-110 Planting, removal.~~

~~It is unlawful for any person to plant any tree, shrub or plant upon any public highway or municipal property until he has secured a written permit from the Director of Public Works or designee. The application for such permit shall designate the location, species and approximate size of the tree, plant or shrub to be planted and the method proposed to be followed. It shall be the duty of the Director of Public Works or designee to remove or cause to be removed all trees, shrubs or plants planted in a public highway or municipal property when such removal is beneficial to the peace, health or safety of the public or where such tree, shrub or plant is detrimental to the growth of adjacent trees, shrubs or plants.~~

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(Ord. 95-35 § 24 (part), 1995; Ord. 70-29 § 11, 1970)

~~12-20-120 Removal of public nuisances.~~

~~The Director of Public Works or representative shall give to the owner of the premises where a nuisance as described in this Chapter is found a written notice of the existence of such nuisance which may require the removal of such nuisance within ten days following the notice, such removal to be done under the direction of the Director of Public Works or representative. The notice may further state that unless the nuisance is removed in compliance with the terms thereof within said ten day period, the Director of Public Works may proceed to remove the same and assess the cost thereof against the property owner. Service of the notice may be by personal service or by registered mail to the property address. In the event the owner does not live on the premises, notice may be sent by ordinary mail to the last known address of the owner.~~

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(Ord. 70-29 § 13, 1970)

~~12.20.120 Enforcement.~~

~~The Director of Public Works or designee is charged with the enforcement of this Chapter, and to that end may enter upon private property at all reasonable hours for the purpose of inspecting trees, shrubs and plants. The Director of Public Works may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected.~~

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(Ord. 95-35 § 24 (part), 1995; Ord. 70-29 § 12, 1970)

~~12.20.140 Violation Penalty.~~

~~Any person violating the provisions of this Chapter shall be punished according to the provisions of Chapter 1.08.~~

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(Ord. 95-35 § 24 (part), 1995; added during 1978 codification)

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Attachment: Title 12 - Redline (Code Review Titles 12 & 13)

Title 13 - WATER AND SEWERS

Chapter 13.04 - WATERWORKS AND SEWERAGE SYSTEM¹³

Footnotes:

~~(1)~~~~Prior history: Ords. 70-9, 72-27, 74-43, 76-2, 76-15, 76-36, 77-18, 79-27, 80-16, 80-43, 80-44, 81-45, 81-50, 82-33, 83-20 and 84-41.~~

I. - General Provisions

13.04.010 - Department established.

There is established a department of the Village to be known as the Public Works Department, and the Village Manager is authorized to appoint a Director and all other necessary employees. The Director shall have the general management and control of the waterworks and sewerage system.

~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)~~

II. - Water

13.04.020 - Turning on—Authority.

No water from the Village water supply shall be turned on for service into any premises by any person but the Director or designee.

~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)~~

13.04.030 - Turning on—Application.

Application to have water turned on shall be made in writing to the Public Works Department and shall contain an agreement by the applicant to abide by and accept all of the provisions of this Chapter and any amendment thereto as conditions governing the use of the Village water supply by the applicant.

~~(Ord. 84-53 § 1 (part), 1984)~~

13.04.040 - Water system improvement fee.

- A. In addition to the charges set forth in this Chapter, a charge shall be made for water system improvement fees as set forth in subsection B.
- B. The water system improvement fees are set forth in ~~Chapter 1.16~~ Appendix A of this Code.
- C. The fees designated in subsection B shall be due and payable prior to any tap on to the Village water system, and the Village shall not be required to render any water service unless and until said fee/fees is/are paid.

~~(Ord. 86-54 § 1, 1986; Ord. 84-53 § 1 (part), 1984; Ord. No. 2016-057, § 2, 11-7-2016)~~

13.04.050 - Plumbing.

No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the Village; provided, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this Chapter.

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~~(Ord. 84-53 § 1 (part), 1984)~~

~~13.04.060 - Service connection—Fee.~~

~~No connections with a water main shall be made without a permit being issued and twenty-four hours' notice having been given to the Director or designee. All such connections shall be made and all such work done at the expense of the applicant, who shall also furnish materials necessary for such work. All such connections shall be made under the supervision of the Director, and no connections shall be covered until the work has been inspected by the Director or designee. The fees shall be paid for each connection and turning on of water are set forth in ~~Chapter 4.46~~ Appendix A of this Code.~~

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~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984; Ord. No. 2016-057, § 2, 11-7-2016)~~

~~13.04.070 - Resale.~~

~~No water shall be resold or distributed by the recipient thereof from the Village supply to any premises, other than that for which application has been made and the meter installed, without the Village's consent.~~

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~~(Ord. 84-53 § 1 (part), 1984)~~

~~13.04.080 - Acts of interference—Designated—Prohibited.~~

~~No person shall in any manner obstruct the access to any stopcock, hydrant or valve, or any public faucet or opening for taking water in any street, alley, public ground or place connected with or part of said water system, nor pile or place any lumber, brick or building material or other article, thing or hindrance whatsoever within twelve feet of the same, nor shall any plantings can be within 36" of same or so as to in any manner hinder, delay or obstruct the members of the Fire Department in reaching the same. It is unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage or authorized use of water in said water system, reservoir or plant, or any part thereof, or to injure, deface, remove or display any water main, hydrant, service pipe, water meter, shut-off box, public fountain, valve, engine or building connected with said water system, or plant, or to cause, suffer or permit any of said things to be done.~~

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~~(Ord. 84-53 § 1 (part), 1984)~~

~~13.04.090 - Unauthorized use.~~

~~No unauthorized person shall turn the water on at any fire hydrant or service cock or use water therefrom when so turned on, under penalty of fifty dollars fine for each offense, and every person so using or wasting water in such unlawful manner shall be liable to pay for the same at the regular scheduled rates.~~

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~~(Ord. 84-53 § 1 (part), 1984)~~

~~13.04.100 - Pipes—Installation.~~

~~All service pipes from the mains to the premises served shall be installed by, and at the cost of, the owner of the property to be served or the applicant for the service. Such installation shall be under the inspection of the Director, or designee.~~

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~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)~~

13.04.110 - Pipes—Specifications.

No service shall be installed unless it conforms to specifications approved by the Director, a copy of which specifications shall be kept on file by the Department and shall be open to inspection by any person interested.

~~(Ord. 84-53 § 1 (part), 1984)~~

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13.04.120 - Repairs.

All repairs for service pipes from the water main to buildings and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The Village may, in case of an emergency, repair any service pipes, and if this is done, the cost of such repair work shall be repaid by the owner or user of the premises served.

~~(Ord. 84-53 § 1 (part), 1984)~~

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13.04.130 - Excavations.

Excavations for installing service pipes or repairing the same shall be made in compliance with the ordinance provisions relating to making excavations in streets.

~~(Ord. 84-53 § 1 (part), 1984)~~

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13.04.140 - Shut-off boxes.

Shut-off boxes or service boxes shall be placed on every service pipe, and shall be located between the curb line and the sidewalk line where this is practicable. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

~~(Ord. 84-53 § 1 (part), 1984)~~

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13.04.150 - Meters—Required.

Any premises using the Village water supply must be equipped with an adequate water meter furnished by the Village but paid for by the consumer or owner; provided, that such water service may be supplied by the Village at a flat rate of charge until such meter may be installed.

Before any premises is occupied, a water meter shall be installed therein as provided in this Chapter or application made for such water service at the flat rate of charge until the meter can be installed or no water shall be furnished such premises.

~~(Ord. 84-53 § 1 (part), 1984)~~

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13.04.155 - Irrigation meters.

A. Any Lake County customer with an underground irrigation system may add a separate irrigation meter to the main water utility service line. The user shall request a permit for the installation of the irrigation meter. The user shall pay for the cost of creating the opening in the main water service line, meter, radio box, and an inspection fee.

B. All metered water measured by the irrigation meter will be charged at the current consumption rate noted in Section 13.04.190B.

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~~(Ord. No. 2013-40, § 1, 7-15-2013)~~

~~13.04.160 - Meters—Installation.~~

~~Meters and remote readers shall be located so as to be easily accessible. Remote readers shall be located on the side outside of all served buildings five feet from the front of the building or at a location approved by the Director or designee. Water meters shall be located so that a path of access exists with a minimum vertical clearance of seventy-two inches and a minimum width of thirty inches from a point at the building wall to a point within one foot from the meter. The meter location shall provide a minimum of one foot clear in all directions from meters that are three-fourths inch to one and one-half inches in size and a minimum of two feet clear in all directions from meters larger than one and one-half inches. No meter shall be more than 4' from the floor or installed where it is subject to freezing. Other locations may be approved by the Director or designee.~~

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~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)~~

~~13.04.170 - Meters—Reading.~~

~~The Director shall read or cause to be read every water meter used in the Village at such times as are necessary so that the bills may be sent out at the proper times.~~

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~~(Ord. 84-53 § 1 (part), 1984)~~

~~13.04.180 - Meters—Testing.~~

~~Any Village water meter may be removed and tested for accuracy upon request of the water consumer in accordance with the following provisions:~~

~~A. Meter testing will be provided for the following:~~

- ~~1. For newly installed meters or meters less than one year old: thirty-five percent higher than normal water consumption for a period of three billing cycles.~~
- ~~2. For existing meters older than one year: thirty-five percent higher than normal water consumption for a period of three billing cycles; and thirty-five percent higher than normal consumption when compared to the same billing period in the previous two years.~~

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~~B. The Village will remove the existing water meter and have it tested by a third-party testing agency.~~

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~~C. All costs for removal, testing and replacement of the meter shall be borne by the water consumer and paid for in advance with as fee set forth in Chapter 1.16 Appendix A of this Code.~~

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~~D. All testing will be in accordance with the American Water Works Association (AWWA) Standard M-6. The water consumer will be provided a copy of the test results.~~

~~E. If the test results show that the meter is accurate in accordance with AWWA Standard M-6 (98.5%—101.5%), no further action will take place and the matter will be considered closed. In such case, the testing fee, or any portion thereof, will not be refunded.~~

~~F. If the test results show that the meter is inaccurate in the water Consumer's favor (under recording), a prorated bill may be generated. The amount of the bill will be determined by the Finance Department. The look-back period will be limited to two years. In such case, the testing fee, or any portion thereof, will not be refunded.~~

- G. If the test results show that the meter is inaccurate in the Village's favor (over recording), a prorated refund may be generated. The amount of the refund will be determined by the Finance Department. The look-back period will be limited to two years. In such case, the testing fee will be fully refunded.

~~(Ord. 84-53 § 1 (part), 1984; Ord. No. 2016-022, § 2, 4-18-2016; Ord. No. 2016-057, § 2, 11-7-2016)~~

13.04.190 - Rates.

- A. A "user/consumer" is defined as a residential dwelling unit, commercial unit, business unit, industrial unit, educational unit, governmental unit, institutional unit, or any other occupiable unit or combination thereof, having direct access and use of water and/or sewer services regardless of whether water is or is not metered through a single master meter. Unit counts for commercial, business, industrial or institutional uses shall be determined on an individual analysis of occupied or common areas having direct access to water services. Water provided as a general service to common area will be counted as one unit under this definition when determining the total direct access units regardless of the number of direct distribution users.
- B. In addition to the charges set forth in Subsection C, each user/consumer of water service shall be billed and pay bimonthly at the rate of five dollars and sixty-seven cents per one thousand gallons of water consumed beginning with all billed usage after December 31, 2019. Beginning January 1, 2021, the water service will be increased as set forth in Chapter 1.16 as set forth in Appendix A of this Code.
- C. A basic charge as set forth in Chapter 1.16 Appendix A of this Code for each user/consumer of water service in both Cook County and Lake County portions of the Village, which charge is necessary for the purpose of fulfilling the Village's contractual obligation for debt servicing requirements of the Northwest Water Commission revenue bonds authorized for the completion of the capital construction of the Commission's Transmission System.

~~(Ord. 2007-68 § 1, 2007; Ord. 2000-14 § 1, 2000; Ord. 97-32 § 1, 1997; Ord. 96-24 § 1, 1996; Ord. 95-25 §§ 1, 2, 1995; Ord. 94-21 § 1, 1994; Ord. 92-33 § 1, 1992; Ord. 91-38 § 1, 1991; Ord. 90-19 § 1, 1990; Ord. 89-27 § 1, 1989; Ord. 88-43 § 1, 1988; Ord. 87-24 § 1, 1987; Ord. 86-23 § 1, 1986; Ord. 85-12 § 1, 1985; Ord. 84-53 § 1 (part), 1984; Ord. No. 2009-88, § 1, 12-21-2009; Ord. No. 2012-30, § 1, 7-9-2012; Ord. No. 2016-057, § 2, 11-7-2016; Ord. No. 2019-057, § 2, 11-4-2019)~~

13.04.200 - Bills.

Bills for water used shall be dated and sent out by the Village. The due date will be not less than twenty-one days after the date of postmark on the bill.

~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)~~

13.04.205 - Liability for charges.

The owner of a property, location or address where water or water service is supplied, the occupant thereof and the user of the water service shall be jointly and severally liable for payment for any water or water service supplied to such property, location or address.

~~(Ord. No. 2013-41, § 1, 7-15-2013)~~

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13.04.210 - Construction contractors.

During the construction of any building and before any water is installed as is provided in this Chapter, the contractor and/or owner so constructing such building may be permitted to use the Village water supply by making application to the Department as provided in this Chapter. The contractor and/or owner shall pay the charges for water used as set forth in Chapter 1.16 Appendix A of this Code.

(Ord. 84-53 § 1 (part), 1984; Ord. No. 2016-057, § 2, 11-7-2016)

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13.04.220 - Liability.

All connections and water applied for and used under this Chapter, shall be upon the express condition that the Village is not liable, nor shall any claim for the breaking of any main, branches, service pipes, apparatus or appurtenances connected with said system or plant, or any part or portion of said plant, or any interruption of the supply by reason of the breakage of machinery, or by reason of stoppage, alterations, extensions or renewals.

The Village reserves the right to shut off water in the mains at any time for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the Village in case of deficiency in supply. No claim shall be made against the Village, its officers, agents or employees, by reason of the breaking of any service pipe or service cock or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections for repairing any part of the water system, or from failure of the water supply or increasing the water pressure at any time, or from concentration or restricted use of water as designated in this Chapter.

(Ord. 84-53 § 1 (part), 1984)

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13.04.230 - Access to private property.

The Village, its employees, and agents shall have ready access, at all reasonable hours, to the premises, places or buildings where meters are located for the purpose of reading, examining, testing, replacing and repairing the same, and examining and testing the consumption, use and flow of water. If there is a refusal to permit access to the premises the Village may assess a surcharge as set forth in Chapter 1.16 Appendix A of this Code.

(Ord. 84-53 § 1 (part), 1984; Ord. No. 2015-28, § 1, 5-18-2015; Ord. No. 2016-057, § 2, 11-7-2016)

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13.04.235 - Billing—Alternative payments.

A. Corporate Authority Determination. The Corporate Authorities of the Village hereby determine, following the public hearing which was held pursuant to public notice and in accordance with the requirements of the local government acceptance of credit cards act, that the acceptance of credit card payments for the types of authorized obligations specified in the public notice is in the best interests of the citizens and governmental administration of the Village and taxpayers thereof.

B. Authority to Contract. The Village Manager is hereby authorized to execute an agreement or agreements with one or more banks or third party for the use of credit cards, check cards, or debit cards for payment by the public of water utility bills and define fines, fees or charges imposed by the Village. The agreement shall provide for acceptance of Visa and/or MasterCard; may provide for acceptance of other credit cards; may provide for payment by the Village of fees in accordance with the bank's or third party's schedule of fees for accounts of similar volume subject to change from

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time to time; and may provide for use of equipment provided by the bank or third party. The Village reserves the authority to execute agreements with other companies offering credit card services for the payment of Village imposed water utility bills, fines and fees.

- C. Authority to Approve Credit Card Acceptance and Establish Convenience and Surcharge Fees. Effective upon execution of the agreement authorized in subsection A., the Village Manager is authorized, at his or her discretion, to approve a village department or departments to accept credit cards for the payment of Village-imposed fines and fees. The Finance Director is further authorized to establish appropriate business practices including the charging of convenience and surcharge fees to the credit card holder in accordance with 50 ILCS 345/1 et seq.

~~(Ord. No. 2013-18, §§ 1-3, 4-1-2013)~~

[▲] 13.04.240 - Billing—Delinquent payments.

A payment shall not be considered past due unless the payment is received after the date specified on the bill. When payment is mailed, payments received two full business days beyond the due date shall be considered current. Reliance shall be made on the postmark of the payment. A ten percent charge shall be added to said bill after delinquency date, and shall be included as part of the next bill if not paid by the next normal billing date.

~~(Ord. 84-53 § 1 (part), 1984)~~

[▲] 13.04.250 - Discontinuance of service.

- A. Service may be discontinued when any payment is past due. Service may not be resumed until payment of all charges including late and reconnection fees have been paid. The reconnection fees are set forth in ~~Chapter 1.16~~Appendix A of this Code.
- B. Service shall not be discontinued until a minimum of three days' notice has been given to the person to whom the bills are mailed so that the person will be given an opportunity to be heard as to why the service should not be discontinued.
- C. No person owing a past-due bill and moving to other premises within the Village shall be supplied with water until such charges are paid in full.
- D. In the event that a payment is returned due to insufficient funds, the village will not accept payment from the same bank account and a new payment shall be made by cash, cashier's check, or money order, and a processing fee as set forth in ~~Chapter 1.16~~Appendix A of this Code will be added to the unpaid balance.

~~(Ord. No. 2013-10, § 1, 3-4-2013; Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984; Ord. No. 2016-057, § 2, 11-7-2016)~~

[▲] 13.04.260 - Billing—Lien—Filing.

Upon a bill becoming delinquent, all charges shall be a lien upon the real estate upon or for which the service is supplied. Whenever a bill remains delinquent for more than thirty days, the Village Manager, or designee, may file in the office of the recorder of deeds or the office of the registrar of title in the county in which the real estate is located a notice containing a sworn statement setting forth the description of the real estate sufficient for the identification thereof, the amount due for such services, and the date when such amount became delinquent.

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(Ord. 95-25 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)

13.04.270 - Billing—Lien—Foreclosure—Judgment.

The Village may institute action to foreclose the lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate. In the alternative, civil action may be instituted against the occupant or user of the real estate to recover the money due plus reasonable attorneys' fees. Action to foreclose or for judgment shall be filed in the name of the Village.

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(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)

13.04.275 - Fixed facility fee.

A fixed facility fee is a flat rate fee to be assessed to each metered account for access to the sewer and water system to be used for the maintenance and replacement of the capital infrastructure for the delivery of clean water and the removal of wastewater. The fixed facility fee shall be paid bimonthly with the utility bill. The initial fixed facility fees shall be as set forth below. The fixed facility fee shall increase every five years based on the aggregate of the CPI-U over the prior five-year period.

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Single-Family Detached and Single-Family Attached Residential Users, Governmental Users and Institutional Uses as Defined in this Code	\$17.39/month
All Multifamily Residential Users, Commercial Users, Industrial Users as Defined in the Code and Other Customers Shall be Based on Water Meter Size as Follows:	
Water Meter Size	Monthly Cost
1 inch or less	\$17.39/month
1½-inch	\$22.02/month
2-inch	\$45.17/month
3-inch	\$115.86/month
4-inch	\$180.68/month
5-inch or greater	\$199.20/month

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(Ord. No. 2019-057, § 4, 11-4-2019)

III. - Sewers

13.04.280 - Definitions.

- "Act" means the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq.
- "Audit" means an audit as a separate report from the funds in accordance with General Services Administration Policy Circular, FMC73-2, and shall cover the following: (1) financial operations are

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properly conducted; (2) financial reports are presented fairly; (3) applicable laws and regulations have been complied with; (4) resources are managed and used in an economical and efficient manner; (5) desired results and objectives are being achieved in a financially effective manner; and (6) records of audit of the industrial cost recovery system charges and expenditures are being retained for the useful life of the improvement.

3. "Billable flow" means a user/consumer recorded bimonthly water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered date, times the Village-approved percentage factor for wastewater entering the sewer system out of the metered water. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.
4. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees Centigrade, expressed in milligrams per liter.
5. "Building drain—sanitary" means that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only, inside the walls of a building and conveys it to the sanitary building sewer beginning three feet outside the building wall.
6. "Building drain—stormwater" means that part of the lowest horizontal piping of a drainage system which receives stormwater or other clearwater discharge, but no wastewater, from soil and other drainage pipes inside the walls of a building and conveys it to the building's stormwater service sewer beginning three feet outside the building wall.
7. "Building sewer—sanitary" means the extension from the sanitary building drain to the public sanitary sewer or other place of disposal which conveys sanitary or industrial sewage only (also called building or service connection).
8. "Collection sewer" means a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
9. "Commercial user" means and includes transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.
10. "Control manhole" means a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a control manhole is to provide access for the Village representative to sample and/or measure discharges.
11. "Corporate authority" means the President and Board of Trustees of the Village of Buffalo Grove.
12. "Double check valve assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.
13. "Easement" means an acquired legal right for the specific use of land owned by others.
14. "Force main" means a pipe in which wastewater is carried under pressure.
15. "FOG" means Fats, Oils, and Grease
16. "Grease Removal System" or "GRS" means any device designed for, and or intended for, separating, collecting, and removing waterborne FOG and settleable solids prior to discharging to the water reclamation facility. This includes any automatic GRS.

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17. "IEPA" means the Illinois Environmental Protection Agency. Formatted: Font: +Body (Calibri), 11 pt
4518. "Industrial user" means and includes establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products. Formatted: Font: +Body (Calibri), 11 pt
4619. "Industrial waste" means any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial, or business establishment or process or from the development, recovery, or processing of any natural resource as distinct from sanitary sewage. Formatted: Font: +Body (Calibri), 11 pt
4720. "Infiltration" means the water unintentionally entering the public sanitary sewer system, including sanitary building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow). Formatted: Font: +Body (Calibri), 11 pt
4821. "Infiltration/inflow" means the total quantity of water from both infiltration and inflow without distinguishing the source. Formatted: Font: +Body (Calibri), 11 pt
4922. "Inflow" means the water discharge into a sanitary sewer system including sanitary building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and/or combined sewers, catchbasins, stormwaters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.) Formatted: Font: +Body (Calibri), 11 pt
2023. "Institutional/governmental user" means and includes schools, hospitals, churches, penal institutions, and users associated with federal, state and local governments. Formatted: Font: +Body (Calibri), 11 pt
2424. "Interceptor sewer" means a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility with sufficient capacity to carry peak dry weather flow as well as groundwater infiltration. Formatted: Font: +Body (Calibri), 11 pt
2225. "Major contributing industry" means an industrial user of the publicly owned treatment works that: (a) has a flow of fifty thousand gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or (d) is found by the sewage treatment authority, or state or federal regulatory agencies, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works. Formatted: Font: +Body (Calibri), 11 pt
2326. "Minor industrial user" means small industrial and some commercial users (restaurants, auto repair shops, warehouses, etc.) whose individual discharges do not significantly impact the treatment plant services, degrade receiving water quality, or contaminate sludge. Formatted: Font: +Body (Calibri), 11 pt
2427. "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater. Formatted: Font: +Body (Calibri), 11 pt
2528. "NPDES permit" means any permit or equivalent document or requirements issued by the administrator, or, where appropriated by the director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act. Formatted: Font: +Body (Calibri), 11 pt

2629. "Operation and maintenance costs" means all costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, replacement, treatment and collection of wastewaters necessary to ensure adequate wastewater collection and treatment on a continuing basis, conform to applicable regulations, and assure optimal long-term facility management.

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2730. "pH" means the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water for example has a hydrogen ion concentration of 10^{-7} and a pH value of seven.

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2831. "Pretreatment" means the treatment of industrial sewage from privately owned industrial sources prior to introduction of the waste effluent into a public treatment works, in accordance with 40 CFR 128.

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2932. "Properly shredded garbage" means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.25 centimeters) in any dimension.

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3033. "Public sanitary sewer" means a sanitary sewer which is owned and controlled by the Village or other public sewage treatment authority.

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3134. "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

32. "Replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

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3236. "Replacement reserve" means an account for the segregation of resources to meet replacement expenditures.

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3337. "Residential user" means all dwelling units such as houses, mobile homes, apartments, and permanent multifamily dwellings.

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3438. "Sanitary sewer" means a sewer which carries sanitary and industrial wastes, and to which storm, surface, and groundwater are not intentionally admitted. Reference to the word sewer, as used in this Chapter, shall generally refer to sanitary sewer.

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3539. "Sewage" means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions (including polluted cooling water and unintentionally admitted infiltration/inflow).

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a. "Sanitary sewage" means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

b. "Industrial sewage" means a combination of liquid-carried and water-carried wastes, discharged from any industrial establishment and resulting from any trade or process carried on in that

establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

- c. "Combined sewage" means wastes including sanitary sewage, industrial sewage, stormwater, infiltration and in-flow carried to the wastewater treatment facilities by a combined sewer.

~~3640.~~ "Shall" is mandatory; "May" is permissive.

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~~3741.~~ "Standard methods" means the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and 40 CFR Part 136, 3, 4, and 5 and/or other recognized procedures by U.S. EPA and IEPA.

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~~3842.~~ "Storm sewer" means a sewer for conveying water, groundwater, or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

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~~3943.~~ "Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids and is removable by laboratory filtration as prescribed in standard methods.

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40. "Toxic amount" means concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of the Act.

~~4144.~~ "U.S. EPA" means United States Environmental Protection Agency.

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~~4245.~~ "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

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~~4346.~~ "Useful life" means the anticipated term in years of physical and/or functional productivity of elements of the whole sewerage system, which can be reevaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments either direct or indirect.

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~~4447.~~ "User charge system" means the system of charges levied on users for the cost of operation and maintenance, and replacement reserve requirements on new and old wastewater collection/treatment facilities, pursuant to Section 204(b) of the Act; and 40 CFR 35.935-13 (February 11, 1974 Federal Register).

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~~4548.~~ "User class" means the type of user; residential, institutional/government, commercial, or industrial, as defined herein.

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~~4649.~~ "Wastewater treatment facilities" means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

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~~4750.~~ "Waterworks" means all facilities for water supply, treatment, storage reservoirs, water lines and water services, and booster stations for obtaining, treating and distributing potable water.

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(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)

13.04.290 - Sewer user charges.

- A. Sewer User Charge System. The sewer user charge for the use of and for the service supplied by the sewer system of the Village shall consist of a sewer charge for operation, maintenance and replacement expenses.

The sewer user charge shall be applied to sewer usage as recorded by water meters and/or sewage meters for wastes.

1. Unit Rates. The unit rate for the sewer charge shall be determined by:
 - a. Dividing estimated annual operation and maintenance costs by estimated annual billed water volume in gallons;
 - b. Dividing estimated annual replacement costs by estimated annual billed water volume in gallons;
 - c. Adding items a and b to obtain the sewer charge unit rate per gallon.
2. Billable Flows. Billable flow is the estimate of sewer usage as recorded by sewage meters. For all users, billable flow shall be one hundred percent of the recorded water meter usage, unless a sewage meter, approved by the Village Engineer, is provided by the user.
3. Service Charge. Effective for all use as of January 1, 2011, there shall be a service charge as set forth in ~~Chapter 1.16~~ Appendix A of this Code for each user/consumer serviced by the Lake County sanitary sewer. Cook County user/consumers are taxed for sewer treatment via tax levied by the Metropolitan Water Reclamation District of Greater Chicago.
4. The method of computation of unit rates and service charges established for user charges in this section shall be made available to a user within thirty days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be reviewed by the Village Manager within sixty days after notification of a formal written appeal outlining the discrepancies.

B. Sewer Bill.

1. The sewer bill for all users shall consist of sewer charges for operation, maintenance and replacement, using the unit charges described in subsection A of this section applied to the user's billable flow. Users shall be billed upon the same schedule that water billings are made.
2. The Village shall reserve the right to require any user to meter his or her water and/or sewage flow.
3. Any residential sewer user not connected to the Village water system, or otherwise metered for water or sewage flow, shall pay a flat rate per billing period to be established by the Village. All nonresidential users and all new residential users shall be required to meter water or sewage flows.
4. Delinquent payment of all bills shall be handled in a manner as set forth in Section 13.04.240.

C. Nonpayment of Bills.

1. Upon a bill becoming delinquent, all charges shall be a lien upon the real estate upon or for which the service is supplied. The lien filing provisions described in Section 13.04.260 shall apply.
2. The lien foreclosure provisions described in Section 13.04.270 shall apply.

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3. The Village reserves the right to revoke tap-on permits and disconnect Village water and/or sewer service to any user or premises whenever bills become delinquent.

D. User Charge Rate. The following unit charge shall be applied to each user's billable flow:

1. The basic unit charge for operation, maintenance and replacement shall be ~~one dollar and forty cents per one thousand gallons of water consumed beginning with billed usage after December 31, 2019. Beginning January 1, 2021, the basic unit charge will increase as set forth in Chapter 4.16~~ Appendix A of this Code.
2. The bimonthly fixed rate for all non-metered residential users shall be ~~twelve dollars and fifteen cents per bi-monthly period beginning January 1, 2013. The bimonthly fixed rate for all non-metered residential users shall be fifteen dollars and sixty cents per bi-monthly period beginning January 1, 2014. Beginning January 1, 2015 the bimonthly fixed rate for all non-metered residential users shall increase as set forth in Chapter 4.16~~ Appendix A of this Code.

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~~(Ord. 2008-2 § 1, 2008; Ord. 2007-68 § 2, 2007; Ord. 2005-75 § 1, 2005; Ord. 2000-14 § 2, 2000; Ord. 97-32 § 2, 1997; Ord. 96-24 § 3, 1996; Ord. 95-35 § 26 (part), 1995; Ord. 95-25 § 3, 1995; Ord. 94-21 § 2, 1994; Ord. 93-72 § 1, 1993; Ord. 92-33 § 2, 1992; Ord. 91-38 § 2, 1991; Ord. 90-19 § 2, 1990; Ord. 89-29 § 1, 1989; Ord. 89-27 § 2, 1989; Ord. 88-43 § 2, 1988; Ord. 87-24 § 2, 1987; Ord. 87-9 § 1, 1987; Ord. 86-23 § 2, 1986; Ord. 85-12 § 2, 1985; Ord. 84-53 § 1 (part), 1984; Ord. No. 2009-88, § 2, 12-21-2009; Ord. No. 2010-66, § 1, 12-20-2010; Ord. No. 2012-30, § 2, 7-9-2012; Ord. No. 2016-057, §§ 2, 3, 11-7-2016; Ord. No. 2019-057, § 3, 11-4-2019)~~

[▲] 13.04.300 - Use of public sanitary sewers required.

- A. Prohibited Disposal. It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.
- B. Unlawful Discharge. It is unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with Section 13.04.310.
- C. Septic Tanks Prohibited. Except as hereinafter provided in Section 13.04.310, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. Who Must Connect to Public Sewer. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village, is required at owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this title, within ninety days after date of official notice to do so; provided, that the public sewer is within four hundred feet of the property line.

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~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)~~

13.04.310 - Private sewage disposal.

- A. Conditions. Where a public sanitary sewer is not available under the provisions of Section 13.04.300, the sanitary building sewer shall be connected to a private sewage disposal system complying with the provisions of Section 13.04.310.
- B. Permit Required. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Village Engineer. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Village Engineer. A permit and inspection fee as set forth in ~~Chapter 1.16~~ Appendix A of this Code shall be paid to the Village at the time the application is filed.
- C. Inspection Required. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Village Engineer. The Village Engineer shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Village Engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two hours of the receipt of written notice by the Village Engineer.
- D. Code Requirements. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty thousand square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. Availability of Public Sanitary Sewers. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.04.300D, a direct connection shall be made to the public sanitary sewer within ninety days in compliance with this Title, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material such as clean ~~bankrun~~ bank run gravel or dirt.
- F. Operation and Maintenance of Private Facilities. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.
- G. Additional Requirements. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed or required by any other local governmental body, the state or federal government.

~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984; Ord. No. 2016-057, § 2, 11-7-2016)~~

13.04.320 - Service connections.

- A. Unauthorized Connections. No unauthorized person shall uncover, make any connections with, or opening into; use; alter; disturb any public sewer or appurtenance thereof; or make any repair to a sanitary sewer service line requiring an excavation without first obtaining a written permit from the Village.
- B. Maintenance Responsibility. The proper maintenance and operation of a sanitary building sewer, building connection or sanitary sewer line to the point of connection to the municipal sanitary sewer system shall be the responsibility of the owner of the premises served by such sanitary sewer pipes. "Maintenance" means keeping the sanitary sewer connection, sewer lines or other sewer facilities or

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structures in satisfactory working condition and good state of repair (including, but not limited to, preventing any obstruction or extraneous materials or flows from entering such facilities, protecting such facilities from any damage, and keeping same free from defects or malfunctions), and making necessary provisions and taking necessary precautions to assure that such sewer facilities are at all times capable of satisfactorily performing the services and adequately discharging the functions and producing the final results and purposes such facilities are intended to perform, discharge, or produce.

- C. Disposal to Sewer Regulated. All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Federal Act and more stringent state and local standards.
- D. Permit Application. The owner of a building or owner's agent shall make application on a form furnished by the Village.

All building connections and repairs shall be made, and all construction, maintenance or repair work done at the expense of the applicant who shall also furnish material necessary for the work. All such connections shall be made under the supervision of the Village Engineer, and no connections shall be covered until the work has been inspected by the Village Engineer or designee. Applications for all such connection work must be made to the Village Engineer, and must be approved by the Director of Public Works.

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In cases of emergency repairs, notice and inspection requirements may be waived if approved in writing by the Village Engineer.

- E. Wastewater Treatment Plant Capacity Required for New Connections. A sanitary building sewer permit will only be issued, and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

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F. Connection Fees.

1. The fees paid for each connection to the Village sewer system are set forth in Chapter 4.16 Appendix A of this Code.
2. In addition to the charges listed in paragraph 1 of this subsection, fees paid for each connection to the Village sewer system in Lake County are set forth in Chapter 4.16 Appendix A of this Code.
3. All connection fees collected in paragraph 2 of this subsection shall be remitted to the Lake County Public Works Department.

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- G. Separate Building Sewer Requirements. A separate and independent building sewer shall be provided for every building.
- H. Old Building Sewers for New Buildings. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the owner, which is satisfactory to the Village Engineer, to meet all requirements of this Title.
- I. Construction Requirements. The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the technical standards denoted in the development ordinance or other applicable rules and regulations of the Village.

- J. Sanitary Building Sewer Elevations. Whenever possible, the sanitary building sewer shall have a minimum of five feet of cover. In all buildings in which any sanitary building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved by the Village Engineer in accordance with subsection C of this section and Section 15.28.070, and discharged to the sanitary building sewer. Also, any level wholly or partially below exterior grade must include an approved sanitary service pump.
- K. Clear Water Connections Prohibited. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- L. Connection Requirements. The connection of the building sanitary sewer into the public sanitary sewer shall conform to the technical standards denoted in the development ordinance, or other applicable rules and regulations of the Village. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village Engineer before installation.
- M. Inspection and Connection. The applicant for the building sewer permit shall notify the Village Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the observation of the Village Engineer or designee.
- N. Safety. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

(Ord. 2006-45 §§ 1, 2, 2006; Ord. 95-35 § 26 (part), 1995; Ord. 89-12 § 1, 1989; Ord. 87-83 § 1, 1987; Ord. 87-9 § 2, 1987; Ord. 85-6 § 1, 1985; Ord. 84-53 § 1 (part), 1984)

(Ord. No. 2016-004, § 1, 2-22-2016; Ord. No. 2016-057, § 2, 11-7-2016)

▲ 13.04.330 - Prohibited substances. ▲

- A. Clear Water Discharges Prohibited. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village to a storm sewer or natural outlet.
- B. Other Prohibited Discharges. No person shall discharge or cause to be discharged any of the following materials to any sewer:
1. Any liquid or vapor having a temperature high enough to create damaging or adverse effects on the treatment process or to prevent compliance with IEPA regulations;
 2. Any water or waste which may contain more than one hundred parts per million by weight of fat, oil, grease or hexane extractable material;
 3. Gasoline, benzene, naptha, fuel oil, or other combustible, flammable or explosive liquid, solid or gas of whatsoever kind or nature;
 4. Any garbage that has not been properly shredded;
 5. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as,

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but not limited to: ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;

6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive or solvent property capable of causing damage or hazard to sewers, structures, equipment and personnel of the sewage works;
7. Any waters or wastes containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or as would constitute a hazard to humans or animals, or could create any hazard in the receiving waters of the sewage treatment plant;
8. Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the Village and involved treatment agency, which agreement may provide for special charges, payments or provisions of treating and testing equipment;
9. Any noxious or malodorous gas or substance capable of creating a public nuisance;
10. Any waters or wastes containing radioactive material or radioisotopes (giving off radiant energy in the form of alpha, beta or gamma rays) in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans or animals, or creating any hazard in the receiving waters of the sewage treatment plant.

~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)~~

13.04.340 - Chemicals.

Except as hereinafter provided, no person shall discharge or cause to be discharged any amount of the following constituents exceeding ~~that listed below:~~ the requirements of the Lake County Public Works Department for properties within Lake County, or the requirements of the Metropolitan Water Reclamation District of Greater Chicago for properties within Cook County.

Ammonia-nitrogen, total	50.0 mg/l
Arsenic	0.01 mg/l
Barium	1.0 mg/l
Boron	1.0 mg/l
Cadmium	0.01 mg/l
Chlorides	250.0 mg/l
Chromium, total	1.0 mg/l
Chromium (hexavalent)	0.03 mg/l
Copper	0.02 mg/l
Cyanide	0.01 mg/l

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Fluorides	1.4-mg/l
Iron, total	1.5-mg/l
Lead	0.05-mg/l
Manganese	0.09-mg/l
Mercury	0.0005-mg/l
Nickel	1.0-mg/l
Phenols	0.3-mg/l
Phosphorus	0.05-mg/l
Selenium	1.0-mg/l
Silver	0.005-mg/l
Sulfate	250.0-mg/l
Total Solids	1,800.0-mg/l
Zinc	1.0-mg/l

~~(Ord. 84-53 § 1 (part), 1984)~~

▲ 13.04.350 - Interception.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in this section, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, and any amendments thereto, and which in the judgment of the Village may have a deleterious effect upon any portion of the sewer system, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge;
4. Require payment to cover the added costs of handling the wastes not covered by existing taxes or sewer charges, under the provisions of Section 13.04.290A.

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village, and subject to the requirements of all applicable codes, ordinances and laws.

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- B. Grease, Oil and Sand Discharges Regulated. Grease, oil and sand traps shall be provided when, in the opinion of the Village Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

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~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)~~

- a. All grease, oil and sand traps shall be serviced and emptied at the cost of the owner on a continuous basis to always maintain their minimum design capacity and the continuous efficient operation. No waste removed from the traps shall be reintroduced into the sanitary sewer or back into the trap, which will cause the traps discharge to exceed sewer use ordinance limits. The owner shall be responsible for the legally appropriate sanitary disposal of such waste.
- b. The owner shall maintain written records of grease, oil, and sand trap maintenance for the prior three years, or less, if the device is less than three years old. Said records shall be made available upon request by the Village Health Officer, Public Works Director, or their designee.
- c. Grease Traps/(GRS) are required to be cleaned biannually or as often as deemed necessary by the Village Health Officer, Public Works Director or their designee so as not to deleteriously effect the Village Sewer System
- d. Approval of proposed facilities or equipment by the Village Engineer, does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer, nor shall it relieve any person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.
- e. If a failure to maintain any grease, oil, or sand trap results in partial or complete blockage of the building sewer or private sewer system discharging to the municipal system, or adversely affects the treatment or transmission capabilities to the municipal sewer system, or requires excessive maintenance, or poses a possible health hazard, the responsible facility responsible for maintaining the grease, oil, or sand trap shall be subject to the remedies, including but not limited to cost recovery, enforcement and penalties.
- f. Grease, oil, and sand traps shall be inspected by Village staff for evidence of excessive accumulations of fats, oils, and grease as part of an annual inspection program or a special inspection in response to an identified concern of grease buildup in the Village's receiving sanitary sewer line.
- g. If a code violation is found with a particular grease, oil and sand trap for the establishment, the Village employee shall immediately pursue compliance in accordance with the Village's code, policies, protocols, and ordinances:
 - i. Notify and issue the owner of the establishment or property an inspection report listing the violation(s) verbally or in writing.

- ii. Request immediate action of the owner to correct the listed violation(s) that threaten the safety, health, and welfare of the public.
- iii. For any violation(s) that threaten the immediate safety, health and welfare of the public, the establishment is subject to being closed until said violation(s) are corrected.
- iv. For violation(s) that do not pose an immediate threat to the safety, health and welfare of the public, the village will request a compliance schedule to correct these violation(s). The compliance schedule must be provided by the owner within one (1) weeks' time from the issuance of the violation. All violation(s) will need to be corrected within ten (10) calendar days after the issuance of the violation. The compliance schedule must also be approved by the Village.
- v. If the owner fails to provide the compliance schedule within one (1) week of the issuance of the violation, the Village Health Officer, Public Works Director, or designee, will send the owner a follow-up violation letter and request the compliance schedule within one (1) week from the issuance of said follow-up violation letter.
- vi. If the owner is nonresponsive to the initial and follow-up violations letters, the Village will issue a code violation notice(s), which will be served to the owner via certified mail and again request the compliance schedule within one (1) week from the issuance of the notice.
- vii. Weekly inspections on an as-needed basis will then be conducted by the Village Health Officer, Public Works Director, or designee to ensure compliance to correct the violation(s).
- viii. If compliance is not met by the owner, proceedings to immediately close the establishment will be pursued with the Village Manager until such time the violation(s) are corrected by the owner.

13.04.360 - Protection of sewage works from damage.

- A. Preliminary Treatment and Flow-Equalizing Expenses Borne by Owner. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner.
- B. Control Manholes. Each industrial user shall be required to install a control manhole, together with such necessary meters and other appurtenances in the building sewer to easily and safely facilitate observation, sampling and measurement of the wastes. The Village Engineer shall approve plans for construction of such manhole. The manhole shall be installed by the owner, and shall be safely maintained by the owner so as to be safe and be accessible at all times.
- C. Laboratory Analysis—Regulation by Sanitary District.
 - 1. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of water and wastes to illustrate compliance with this Title and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.
 - 2. The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Director of Public Works to assure that compliance with the federal, state and local standards is being met. The owner shall report the results of measurements and

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laboratory analyses to the Director at such time and in such manner as prescribed by the Director. The owner shall bear the expense of all measurements, analyses and reporting required by this Title.

- D. Analysis Standards. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Title shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazard to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken.)
- E. Provisions for Protection from Damage. No person shall maliciously, ~~willfully~~ willfully, or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

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~~(Ord. 95-35 § 26 (part), 1995; Ord. 84-53 § 1 (part), 1984)~~

IV. - Enforcement

13.04.370 - Powers and authority of inspectors.

- A. Authorized Inspections by U.S. EPA and IEPA. The Village Engineer, and other duly authorized employees of the Village, the IEPA, and the U.S. EPA, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Title.
- B. Authorized Inspections by the Village. The Village Engineer and other duly authorized employees, consultants or contractors of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance or any portion of the sewage works lying within said easement.

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~~(Ord. 84-53 § 1 (part), 1984)~~

13.04.380 - Violation—Penalty.

Any person violating any provision of this Chapter shall be punished as provided in Chapter 1.08.

~~(Ord. 84-53 § 1 (part), 1984)~~

Chapter 13.05 - WATER SYSTEM CROSS-CONNECTION CONTROL

I. - General Provisions

13.05.010 - Purpose.

The purpose of this Chapter is:

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- A. To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which would backflow through the service connection into the public water supply system;
- B. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and nonpotable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety;
- C. To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

~~(Ord. 89-65 § 1 (part), 1989).~~

~~13.05.020 - Application.~~

~~This Chapter shall apply to all premises served by the public potable water supply system of the village. The requirements of this Chapter shall apply to any existing plumbing installation or the lack thereof.~~

~~(Ord. 89-65 § 1 (part), 1989).~~

~~(Ord. No. 2009-22, § 1, 4-20-2009)~~

~~13.05.030 - Policy.~~

~~The Director of Public Works shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. The Director of Public Works shall be responsible for causing surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Director of Public Works shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years. If, in the judgment of the Director of Public Works or designee, an approved backflow prevention device is necessary for the safety of the public water supply system, the Director of Public Works shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at the consumer's own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 13.05.070 for a period of at least five years.~~

~~(Ord. 95-35 § 27 (part), 1995; Ord. 89-65 § 1 (part), 1989).~~

~~II. - Cross-connection Control~~

~~13.05.040 - Definitions.~~

~~The following definitions shall apply to the interpretation and enforcement of this Chapter:~~

1. "Agency" means Illinois Environmental Protection Agency.

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2. "Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.
3. "Auxiliary water system" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, ponds, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.
4. "Backflow" means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.
5. "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.
6. "Consumer" or "customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.
7. "Consumer's water system" means the service connection and any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.
8. "Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.
9. "Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.
 - a. Direct cross-connection means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.
 - b. Indirect cross-connection means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.
10. "Double check valve assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.
11. "Fixed proper air gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.
12. "Health hazard" means any condition, device or practice in a water system or its operation resulting in a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

13. "Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.
14. "~~Nonpotable~~Non potable water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.
15. "Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.
16. "Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.
17. "Potable water" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary and domestic purposes.
18. "Potential cross-connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.
19. "Process fluid(s)" means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:
 - a. Polluted or contaminated waters;
 - b. Process waters;
 - c. Used waters originating from the public water supply system which may have deteriorated in sanitary quality;
 - d. Cooling waters;
 - e. Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
 - f. Chemicals in solution or suspension;
 - g. Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.
20. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or

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general domestic use and which serve at least fifteen service connections or which regularly serve at least twenty-five persons at least sixty days per year. A public water supply is either a "community water supply" or a "noncommunity water supply."

21. "Reduced pressure principle backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.
22. "Service connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.
23. "Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.
24. "System hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.
25. "Used water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.
26. "Village" means village of Buffalo Grove.
27. "Water purveyor" means the owner or official custodian of a public water system.

~~(Ord. 89-65 § 1 (part), 1989).~~

13.05.050 - Water system.

- A. The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.
- B. The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Director of Public Works up to the point where the consumer's water system begins.
- C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
- D. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.
- E. The consumer's water system shall include all parts of the facilities including the service connection used to convey water from the public water supply distribution system to points of use.

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~~(Ord. 89-65 § 1 (part), 1989).~~

[▲] 13.05.060 - Cross-connection prohibited.

- [▲] A. Connections between the Village water system and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.
- B. No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency. There shall be no arrangement or connection by which an unsafe substance may enter a supply.
- C. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply, other than the regular public water supply of the Village, may enter the supply or distribution system of said municipality unless such private auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Director of Public Works and the Illinois Environmental Protection Agency.

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~~(Ord. 89-65 § 1 (part), 1989).~~

[▲] 13.05.070 - Survey and investigations.

- [▲] A. The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.
- B. On request by the Director of Public Works or designee, the consumer shall furnish information regarding the piping system or systems, or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Director of Public Works or designee, for the verification of information submitted by the consumer to the public water supply custodian regarding cross-connection inspection results. The refusal to provide requested information shall, within the discretion of the Director of Public Works, be deemed evidence of the presence of improper connections as provided in this Chapter.
- C. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on the consumer's premises to determine whether there are actual or potential cross-connections to the water system through which contaminants or pollutants could backflow into the consumer's or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Illinois Compiled Statutes, Ch. 225, par. 320/3(1).
- D. It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:
 - 1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
 - 2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

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3. Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
4. Testing and Records.
 - a. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
 - b. Records submitted to the Village shall be available for inspection by Agency personnel in accordance with Illinois Compiled Statutes, Ch. 415, par. 5/4(e).
 - c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
 - d. A maintenance log shall be maintained and include:
 - i. Date of each test;
 - ii. Name and approval number of person performing the test;
 - iii. Test results;
 - iv. Repairs or servicing required;
 - v. Repairs and date completed;
 - vi. Servicing performed and date completed.

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~~(Ord. 95-35 § 27 (part), 1995; Ord. 89-65 § 1 (part), 1989).~~

e. Completed tests shall be submitted to the Backflow Compliance Program Consultant in accordance with the Village's current agreement. If there is no Backflow Program Consultant, the completed tests shall be submitted to the Department of Public Works.

13.05.080 - Where protection is required.

- A. An approved backflow prevention device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Director of Public Works, actual or potential hazards to the public water supply system exist.
- B. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:
 1. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Director of Public Works and the source is approved by the Illinois Environmental Protection Agency.
 2. Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Director of Public Works.

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3. Premises having internal cross-connections that, in the judgment of the director of public works and the cross-connection control device inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
 4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
 5. Premises having a repeated history of cross-connections being established or reestablished.
- C. An approved backflow prevention device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Director of Public Works determines that no actual or potential hazard to the public water supply system exist:
1. Hospitals, mortuaries, clinics, nursing homes;
 2. Laboratories;
 3. Piers, docks, waterfront facilities;
 4. Sewage treatment plants, sewage pumping stations or stormwater pumping stations;
 5. Food or beverage processing plants;
 6. Chemical plants;
 7. Metal plating industries;
 8. Petroleum processing or storage plants;
 9. Radioactive material processing plants or nuclear reactors;
 10. Carwashes;
 11. Pesticide, or herbicide or extermination plants and trucks;
 12. Farm service and fertilizer plants and trucks.
- D. Lawn Sprinklers. Any underground lawn sprinkler system connected to a potable water supply shall be equipped with a reduced pressure principle backflow preventer assembly (RPZ). The RPZ may be located outside provided it is protected from freezing or is removed at the end of the season, and it conforms with Section 890.1130(g)(1) of the Illinois Plumbing Code.

~~(Ord. 89-65 § 1 (part), 1989).~~

~~(Ord. No. 2009-22, § 2, 4-20-2009)~~

13.05.090 - Type of protection required.

A. The type of protection required under Section 13.05.080 shall depend on the degree of hazard which exists as follows:

1. An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

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2. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
3. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.
- B. The type of protection required under Section 13.05.080 shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.
- C. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:
 1. The fire safety system contains antifreeze, fire retardant or other chemicals;
 2. Water is pumped into the system from another source;
 3. Water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source; or
 4. There is a connection whereby another source can be connected to the sprinkler system.

~~(Ord. 89-65 § 1 (part), 1989).~~

13.05.100 - Backflow prevention devices.

- A. All backflow prevention devices or methods required by this Chapter shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.
- B. Installation of approved devices shall be made in accordance with 35 Ill. Adm. Code 653.802, and only as specified by the Research Foundation for Cross-Connection Control of the University of Southern California or applicable industry specifications. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site. In new construction a floor drain shall be required for the discharge from any backflow preventer.

~~(Ord. 89-65 § 1 (part), 1989).~~

13.05.110 - Inspection and maintenance.

- A. It shall be the duty of the consumer at any premises on which backflow prevention devices are required by this Chapter to insure that the backflow protection devices are installed and have inspection, tests, maintenance and repairs made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.
 1. Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter.
 2. Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within fifteen days.

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3. Reduced pressure principle backflow prevention devices shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within ~~five~~^{fifteen} days.

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- B. Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.
- C. Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.
- D. The owner of the premises shall maintain a maintenance log which shall include:
1. Date of each test or visual inspection;
 2. Name and approval number of person performing the test or visual inspection;
 3. Test results;
 4. Repairs or servicing required;
 5. Repairs and date completed; and
 6. Servicing performed and date completed.
- E. Whenever backflow prevention devices required by this Chapter are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- F. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Director of Public Works.

~~(Ord. 89-65 § 1 (part), 1989).~~

[▲] 13.05.120 - Booster pumps. [▲]

- A. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cutoff device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty psi or less.
- B. It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order and to certify to the Director of Public Works, at least once a year, that the device is operable.

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~~(Ord. 89-65 § 1 (part), 1989).~~

[▲] 13.05.130 - Violations—Enforcement. [▲]

- A. The Director of Public Works shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Chapter is not installed, tested, maintained, repaired and inspected in a manner acceptable to the Director of Public Works, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by this Chapter is not installed and maintained in working order. Immediate disconnection with verbal notice can be effected when the Director of Public Works is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water

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supply, provided that, in the reasonable opinion of the Director of Public Works, or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Village or the Director of Public Works, or their agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

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- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Director of Public Works, and the required reconnection fee as set forth in Chapter 1.46 Appendix A of this Code is paid to the Village.

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~~(Ord. 89-65 § 1 (part), 1989; Ord. No. 2016-057, § 2, 11-7-2016).~~

13.05.140 - Liability for cleanup.

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

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~~(Ord. 89-65 § 1 (part), 1989).~~

13.05.150 - Violations—Penalty.

Any person violating any provision of this Chapter shall be punished as provided in Chapter 1.08.

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~~(Ord. 89-65 § 1 (part), 1989).~~

Chapter 13.08 - PRIVATE CONSTRUCTION*

13.08.010 - Procedure.

Except where the Village has entered into separate agreements, whenever any property owner has heretofore or shall hereafter, at his own cost, construct within the Village streets or public thoroughfares of the Village pursuant to permit and authority received from the corporate authority, a sanitary or storm sewer, or water line extension, in accordance with Village standards and specifications, inspected and approved by the proper official of the Village, and when properties other than the property of the person constructing such improvement intervene and abut upon that section of the street within which such improvement lies, when the constructing owner furnishes certification and satisfactory evidence of the cost of such improvement, the Village Manager and Engineer shall investigate the reasonableness thereof in accordance with existing prices, and when the Corporate Authorities are satisfied as to such reasonableness, the Village Clerk shall make an appropriate record of the nature, extent, location and cost of such improvement.

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~~(Ord. 84-53 § 1 (part), 1984)~~

13.08.020 - Connections by intervening property owners—Fee—Determination.

Whenever the owner or owners of any intervening property or properties thereafter apply to the Village for a right to tap into or make connection with such privately constructed sewer or water line extension, the Village Manager and Engineer shall compute and certify to such applicant the pro rata

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cost of construction of that section of such line benefiting applicant's property, and shall, before issuing the permit to tap into or connect therewith, receive such pro rata contribution for reimbursement, and upon receipt thereof shall remit the same to the person constructing such line. The determination of the Village Manager and Engineer as to the amount of such contribution shall, in the absence of ~~willful~~ willful fraud and misconduct, be conclusive as between the Village and the person having constructed such line.

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~~(Ord. 84-53 § 1 (part), 1984)~~

13.08.030 - Connections by intervening property owner—Fee—In addition to Village fees.

The sums provided in this Chapter to be contributed by intervening owners shall be in addition to, and exclusive of fees required and fixed by ordinance as inspection or permit fees for connection with, or tap into Village sewer lines and water lines.

~~(Ord. 84-53 § 1 (part), 1984)~~

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13.08.040 - Connections by intervening property owner—Condition.

When the owner of property contiguous to the property of any owner who has previously constructed any private improvement as described in this Chapter is desirous of connecting to and extending such sewer line or water line within the public streets, such extension shall be permitted only if in the opinion of the Village Engineer, or engineer acting for the Village, the existing facility is adequate for such purpose; and provided, that such extension shall be made along and/or through the property of the applicant, as approved by the Village Engineer.

~~(Ord. 84-53 § 1 (part), 1984)~~

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Chapter 13.12 - STORMWATER DISCHARGE AND DETENTION*

I. - Stormwater Discharge

13.12.020 - Illegal connection—Inspection.

- A. Because of their almost instantaneous impact, their injurious results, substantial contributions, and relative ease of correction, the Village will institute a priority program for the elimination of extraneous flows entering into the sanitary sewer system through downspouts, roof drains and other visible or outside connections which are connected directly or indirectly to the sanitary sewer system.
- B. The Village will, at no expense to the property owner, make visual outside inspections of all properties within the Village, with specific attention to downspouts, roof drains and other visible or outside connections, and, if allowed or requested by the property owner, the Village will enter into the premises and make or assist in the making of additional inspections of the premises to ascertain if illegal connections are present. Upon completion of the visual outside or inside inspection, the Village will advise the property owner in writing if any illegal connections are observed, and will advise on the manner of corrections for compliance with the provisions of this Chapter. After the corrections are made, the Village will, at no expense to the owner, make further inspections of the corrections to insure compliance with this Chapter.

~~(Ord. 84-53 § 1 (part), 1984)~~

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13.12.030 - Illegal connections—Abatement.

Within sixty days after notice to the property owner by the Village of the presence of illegal connections, the property owner shall, at his expense, disconnect all illegal connections observed, and all discharges of extraneous flows into the sanitary sewer system, directly or indirectly, shall be discontinued.

(Ord. 84-53 § 1 (part), 1984)

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13.12.040 - Illegal connections—Village authority to investigate, abate.

The Village may make tests and inspections of the municipal sewer systems as it deems necessary in order to locate such illegal connections and sources of extraneous flows which may exist. The Village, at its option, may also invoke other legal powers vested in it or implied by the statutes for the protection of the health and welfare of the public, or institute such legal action as it deems necessary to discover and order the disconnection of any illegal connections that may exist.

(Ord. 84-53 § 1 (part), 1984)

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II. - Stormwater Detention

13.12.050—13.12.110 - Reserved.

~~Editor's note—Ord. No. 2016-017, § 3, adopted March 21, 2016, repealed §§ 13.12.050—13.12.110, which pertained to stormwater detention and derived from Ord. No. 84-53, § 1 (part), 1984; Ord. No. 95-35, § 28, 1995; Ord. No. 2001-17, § 1, 2001. Detention shall be required in accordance with the requirements set forth in the Metropolitan Water Reclamation District of Greater Chicago's (MWRD) Watershed Management Ordinance (WMO) latest edition, for properties located in Cook County and the Lake County Stormwater Management Commission's (LCSMC) Watershed Development Ordinance (WDO) latest edition, for properties located in Lake County.~~

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13.12.115 - Adoption of the Metropolitan Water Reclamation District of Greater Chicago's Watershed Management Ordinance and the Lake County Stormwater Management Commission's Watershed Development Ordinance by reference.

The provisions of Metropolitan Water Reclamation District of Greater Chicago's Watershed Management Ordinance, latest edition, and the Lake County Stormwater Management Commission's Watershed Development Ordinance, latest edition, are adopted herein by reference. In case of conflict between the provisions of these Ordinances and any other provisions of the Buffalo Grove Municipal Code, the most stringent provisions shall apply.

~~(Ord. No. 2013-39, § III, 7-15-2013; Ord. No. 2012-51, § III, 10-1-2012; Ord. 2006-12 § 1, 2006; Ord. 2001-76 § 1, 2001; Ord. 2000-60 § 1, 2000; Ord. 99-72 § 1, 1999; Ord. 94-56 § 1, 1994; Ord. 92-82 § 1, 1992)~~

~~(Ord. No. 2015-66, § III, 12-7-2015; Ord. No. 2016-017, § 4, 3-21-2016)~~

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13.12.120 - Violation—Penalty.

Any person violating any provision of this Chapter shall be punished as provided in Chapter 1.08.

(Ord. 84-53 § 1 (part), 1984)

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Chapter 13.13 - STORMWATER UTILITY

13.13.010. - Legislative findings; policy and purpose.

A. Legislative findings. The Corporate Authorities of the Village of Buffalo Grove find that:

1. All real property in the Village contributes to runoff and either uses or benefits from the maintenance of the Stormwater System;
2. In order to provide an effective and long term approach to stormwater management within the Village, it is necessary to provide an adequate and stable revenue stream for the construction, maintenance, operation and improvement of the Village of Buffalo Grove Stormwater System; and
3. It is in the best interests of the health, safety and general welfare of the Village, its residents and property owners, that the Village of Buffalo Grove Stormwater System be operated as a municipal utility that is funded through user fees.

B. Statement of policy.

1. It is the policy of the Village of Buffalo Grove to provide a dedicated funding source for the construction, maintenance, operation and improvement of stormwater facilities in the Village, so that the Village is able to proactively manage stormwater for the benefit of all residents and owners of real property within the Village.
2. It is the policy of the Village of Buffalo Grove that, except as provided in Section 13.13.070, the owner or owners of any real property in the Village that uses or benefits from the Village's Stormwater System be charged a Stormwater Utility fee, whether or not the owner or parcel is exempt from real estate taxation.

- C. Purpose. The purpose of this Chapter is to establish a Stormwater Utility to protect the public health, safety and welfare of the residents of the Village of Buffalo Grove by reducing damage to property and local waterways from stormwater runoff and floods, through the construction and operation of flood reduction and control facilities, and through water quality management and floodplain management.

(Ord. No. 2015-63, § 2, 11-2-2015)

13.13.020. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

"Delinquent accounts" means an account for which the billing amount has not been paid within the prescribed period of time as specified on the utility bill or stormwater invoice.

"Developed land" means a parcel within the corporate limits of the Village that has been altered from its natural state by the addition of impervious area.

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"Direct discharge" means the conveyance of stormwater runoff directly from a parcel of property to a receiving stream, creek, ditch or river, without using any part of the Stormwater System.

"Impervious area" means the area within a parcel that prevents or significantly impedes the infiltration of stormwater into the soil. Impervious areas shall include, but are not limited to buildings, roofed structures, paved areas, walkways, driveways, parking lots, patios, decks, swimming pools, and similar non-porous areas.

"NPDES" or "National Pollutant Discharge Elimination System" means the national permitting program implemented under the Clean Water Act.

"Parcel" means an area of land within the corporate limits of the Village that has been established by a plat or other legal means and has been assigned a Property Index Number (PIN) by the County in which the parcel is located.

"Public right-of-way" means a parcel of land owned by a local unit of government or other taxing authority.

"Stormwater service connection" means such pumps, pipes, drains and other appurtenances necessary to drain and channel runoff from any parcel into the Village of Buffalo Grove Stormwater System.

"Stormwater system", means the system of conveyances owned and operated by the Village and designed for or used in the collection, control, transportation, treatment or discharge of stormwater, including but not limited to storm sewers, storm drains, curbs, gutters, ditches, detention ponds or basins, dams, river impoundment, manmade channels or storm drains, and flood control facilities, and any appurtenances thereto.

"Stormwater utility", means the Village of Buffalo Grove Stormwater Utility established by this Chapter for the management, operation, maintenance, engineering, planning and capital investments related to the stormwater system.

"Undeveloped parcel" means a parcel of land that remains in its natural state with no impervious area.

"User" means the owner of a parcel that uses, benefits from or connects to the Village's Stormwater System.

~~(Ord. No. 2015-63, § 2, 11-2-2015)~~

▲ 13.13.030. - Stormwater utility established. ▲

▲ The Village hereby establishes a stormwater utility to provide for the management, operation, maintenance, engineering, planning, construction, enhancement and rehabilitation of the stormwater system, as defined in this Chapter.

~~(Ord. No. 2015-63, § 2, 11-2-2015)~~

▲ 13.13.040. - Scope of responsibility of stormwater utility. ▲

A. The stormwater utility shall be responsible for the operation, maintenance, management and improvement of the stormwater system owned by the Village in accordance with all applicable permits, licenses and regulations, including all activities required by the NPDES stormwater permit.

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- B. The Village of Buffalo Grove Stormwater Utility shall be administered by the Public Works Director or his or her designee.

~~(Ord. No. 2015-63, § 2, 11-2-2015)~~

[▲] 13.13.050. - Stormwater utility fund.

- A. Revenues. All revenues from the stormwater utility fee shall be deposited in the Village General Fund and shall be used solely for the operation, maintenance, expansion and rehabilitation of stormwater infrastructure and the maintenance of an infrastructure replacement reserve account as deemed appropriate by the corporate authorities.

- B. Financial records. The Finance Director shall maintain and report on the financial records of the stormwater utility in accordance with generally accepted government accounting principles.

~~(Ord. No. 2015-63, § 2, 11-2-2015)~~

[▲] 13.13.060. - Parcel database.

A data base for all parcels in the Village is established by the Village. The Village shall maintain the database for all parcels within the Village which will serve as the basis for determination of the stormwater utility fee associated with each parcel. The database will be based on available information, including geographic information systems analysis, aerial photographs, mapping information, site examination and other available information, and will be periodically updated based on available information.

~~(Ord. No. 2015-63, § 2, 11-2-2015)~~

[▲] 13.13.065. - Fee assessments.

Pursuant to Section 3.71.030 fees will be assessed utilizing a tiered approach based upon the zoning classifications as defined in Chapter 17.16 of the Buffalo Grove Municipal Code.

~~(Ord. No. 2015-63, § 2, 11-2-2015)~~

[▲] 13.13.070. - Exemptions from stormwater utility fee.

All Village property including but not limited to roadways, sidewalks and alleys, and dedicated public rights-of-way, and unimproved parcels, shall not be subject to the stormwater utility fee.

~~(Ord. No. 2015-63, § 2, 11-2-2015)~~

[▲] 13.13.080. - Stormwater service connections.

- A. No stormwater service connection shall be installed, repaired, maintained or replaced except by a licensed plumber or contractor who has first notified the Public Works Department. All such work shall be subject to the approval of the Public Works Department and shall be performed in accordance with this Code and applicable state and federal statutes, and the standards and practices of the Public Works Department.

- B. Any person who performs any work on a stormwater service connection shall first obtain a permit from the Village as provided in Title 15 of this Code. All such work shall be done in accordance with

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the terms of the permit authorizing the work and the standards and practices of the Public Works Department.

- C. Penalties. Any person, who engages in any work on a stormwater service connection that requires a permit, without first obtaining such permit, shall be subject to such additional fines, fees and penalties pursuant to Chapter 1.08 of this Code.
- D. Responsibility of Owner. The installation, connection, alteration, maintenance, repair and replacement of stormwater service connections shall be at the sole expense of the owner of the premises to which the stormwater service is supplied.
- E. This Section does not apply to work performed on Village owned and maintained stormwater facilities.

~~(Ord. No. 2015-63, § 2, 11-2-2015)~~

[▲] 13.13.090. - Interference with stormwater system.

- A. No person shall alter, interfere with or disturb the Stormwater System or appurtenances thereto without the permission of the Public Works Director or his or her designee.
- B. No person shall willfully or negligently break, injure or deface such Stormwater System and appurtenances, or commit any act which is intended to or which shall obstruct or impair the intended use thereof.

~~(Ord. No. 2015-63, § 2, 11-2-2015)~~

[▲] 13.13.100. - Responsibility for damage to stormwater system.

- A. Damage to Stormwater System. Any person who causes damage to any part of the Village's Stormwater System shall be responsible for the cost of repairing such damage. The Village shall have the sole discretion and authority to determine the nature and extent of the damage and necessary repairs, the manner in which such repairs shall be done, and the persons who shall perform such repairs.
- B. Damage to stormwater service connections. Any person who causes damage to any part of any service connection in the Village's Stormwater System shall be responsible for the cost of repairing such damage. The Village shall have the sole discretion and authority to determine the nature and extent of the damage and necessary repairs, the manner in which such repairs shall be done, and the persons who shall perform such repairs. All such repairs shall be made by a licensed plumber or contractor in accordance with all applicable provisions of the standards and practices of the Public Works Department.
- C. Village rights reserved. The Village reserves all rights to recover the cost of repairing any damage to any part of the Village's Stormwater Utility system or to any part of any service connection in the Village's Stormwater Utility from the person or persons that caused the damage necessitating the repairs.

~~(Ord. No. 2015-63, § 2, 11-2-2015)~~

[▲] Chapter 13.16 - WATER CONSERVATION[⚡]

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13.16.010 - Wasting water.

Should the Director of Public Works find reasonable cause to believe that there is an unreasonable or unnecessary waste of water in any building, structure or premises to which water is supplied from the Village waterworks system through or by means of a leak in any water pipe located in any such building, structure or in or on any such premises, the Director of Public Works shall cause the water supply to be cut off from such building, structure or premises unless such waste shall be stopped or shall cease within twenty-four hours after he or she has given notice to the owner, occupant or person in possession, charge or control of such building, structure or premises to stop such waste. In those cases where the water supply is cut off from any building, structure or premises, the water supply shall not again be turned on until a minimum fee as provided in Chapter 13.04 is paid.

(Ord. 91-25 § 1 (part), 1991)

13.16.020 - Outside water use—Regular restrictions.

From May 15th through September 15th each year, the following restrictions and procedures shall apply:

- A. There shall be no watering of lawns, gardens or outside landscaping between the hours of noon to six p.m.
- B. Occupants with street number addresses which are even numbers may only water lawns, gardens and outdoor landscaping on even-numbered days of the month. Occupants with street number addresses which are odd numbers may only water lawns, gardens and outdoor landscaping on odd-numbered days of the month. This subsection shall not apply to the watering of flower gardens when a hand-held sprinkling can is used which makes no use of any hose.
- C. The Director of Public Works or designee is authorized to issue a permit allowing daily watering of newly placed sod or newly planted seed beds. Such permits shall be applied for on forms approved by the Director of Public Works. The hours watering may occur during the first three weeks following sod placement or seed bed planting may be expanded if so noted on the permit. No permits for daily sod or seed watering shall be issued during periods in which it is the opinion of the Director of Public Works that water demands may exceed the capacity of the Village water system. All sod and seed watering permits shall be subject to revocation if, in the opinion of the Director of Public Works, water demand may exceed the capacity of the Village's water system.
- D. The Director of Public Works or designee is authorized to issue permits allowing variations to the normally allowed hours and days of watering when the water will be provided from a source other than the Village's public water supply system and there is a significant risk of financial loss if a variation is not granted. The application for any such permit shall be submitted on forms approved by the Director of Public Works. Conditions of permit approval may be established so as to minimize the degree of variation which would occur while reducing the financial hardship which would otherwise result in adhering to the normal outdoor watering restrictions.

(Ord. 95-35 § 29, 1995; Ord. 91-25 § 1 (part), 1991)

13.16.030 - Emergency water shortage restrictions.

- A. The Director of Public Works shall determine if the demand on the Village water system is approaching a water shortage situation and shall notify any individuals performing work which

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normally requires a high volume of construction water usage, such as water main extension construction, of this situation. No high volume construction water usage, such as watermain or fire hydrant flushing, shall be performed without the approval of the Director of Public Works during periods in which the demand on the Village water system is approaching a critical water shortage situation.

- B. In the case of a water shortage due to situations such as water production or transmission system failure or ~~in Ord. No. 2012-51, § III, 10-1-2012 created~~ increased consumption, which may result in water demands in excess of the Village water system capacity, the Village Manager is authorized to issue a public notice explaining the situation, the expected duration (if such can reasonably be determined but not to exceed fourteen days) and special water use restrictions which will be in effect during the shortage and penalties for violation of the restrictions. The provisions of the Village Manager's public notice shall remain in effect until rescinded. The Village Manager's public notice may establish restrictions, such as total or expanded daily period of restrictions on all outdoor water uses, in addition to those set forth in this Chapter.

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(Ord. 91-25 § 1 (part), 1991)

13.16.040 - Major industrial and commercial water user conservation plans.

The Director of Public Works will review water consumption records, and identify the major industrial and commercial water users. These water users will be consulted in advance and their assistance solicited for the development of alternative water conservation measures, which may be voluntarily implemented during periods in which demand on the Village water system is approaching a water shortage situation. In the case in which the Village Manager has issued a public notice that a water shortage exists in accordance with Section 13.16.030, some or all of the identified alternative water conservation measures as specified in the Village Manager's public notice will be required to be implemented to such reasonably practical degrees as will not impose serious economic hardships.

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(Ord. 91-25 § 1 (part), 1991)

13.16.050 - Violation—Penalty.

Any person violating any provision of this Chapter shall be punished as provided in Chapter 1.08.

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(Ord. 91-25 § 1 (part), 1991)

Chapter 13.18 - WATER WELLS FOR IRRIGATION PURPOSES

13.18.010 - Purpose.

The purpose of this Chapter is to regulate the location, construction, operation, maintenance and abandonment of water wells, to provide minimum standards to safeguard persons, to protect property and to promote the public welfare. Water wells shall only be used to irrigate the property and attendant landscaping existing thereon, denoted in the permit.

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(Ord. 95-35 § 30 (part), 1995; Ord. 87-12 § 1 (part), 1987)

13.18.020 - Permit required.

Prior to the commencement of any layout, clearing or drilling of any well, a permit shall be obtained from the Village Engineer. A permit shall only be authorized for a minimum of three acres

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under single ownership. No permit shall be issued other than for water wells terminating within the shallow aquifer as defined by the Illinois State Water Survey. (ISW/R183/76).

~~(Ord. 87-12 § 1 (part), 1987)~~

13.18.030 - Plan requirements.

The application for permit for the construction of a water well shall be accompanied by a location plan which shall indicate, at a minimum, the following:

- A. Proposed finished grading at and within one hundred fifty feet of the proposed well location;
- B. All storm sewers, sanitary sewers, water mains, open ditches and other improvements within one hundred fifty feet of the well location;
- C. Limits of regulatory floodplain(s);
- D. Nature and extent of all other improvements, buildings or features within one hundred fifty feet of the well location;
- E. Statement describing all other wells, similar in nature, within two thousand feet of the proposed well, de-noting the depth and capacity;
- F. Depth of proposed well hole, diameter, size of pump, discharge piping, all other necessary appurtenances and all other details of the well design and installation, including necessary electrical;
- G. Legal description of property to be irrigated.

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~~(Ord. 87-12 § 1 (part), 1987)~~

13.18.040 - Retention of as-built plans.

Upon completion of construction the Village shall receive an as-built plan of the completed construction. As-built plans shall meet the requirements of Section 16.40.070 of the Buffalo Grove Municipal Code.

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~~(Ord. 95-35 § 30 (part), 1995; Ord. 87-12 § 1 (part), 1987)~~

13.18.050 - Use.

Water produced by water wells constructed pursuant to this Chapter shall be for irrigation purposes only on the property for which the permit is issued. No cross-connection with any water system, public or private, is permitted and all discharges from a water well shall be to a pond, lake or detention basin. Direct pumping to an irrigation system or buried reservoir is prohibited.

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~~(Ord. 87-12 § 1 (part), 1987)~~

13.18.060 - Meter required.

In order for the Village to monitor the use of any water well, the proposed construction shall include a meter capable of recording the total quantity of water pumped. Said meter shall be available to inspection by Village personnel at all times.

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~~(Ord. 95-35 § 30 (part), 1995; Ord. 87-12 § 1 (part), 1987)~~

13.18.070 - Conservation of water.

All water wells shall be constructed with automatic controls sufficient to shut off the operation of the well at such time as the pond or detention basin to which it is discharging is at its normal water level. The owner of any water well shall observe and be in compliance with all Village ordinances with respect to water conservation. Issuance of a permit for the construction and operation of a water well shall not exempt the owner from any outside or emergency water use ban.

(Ord. 87-12 § 1 (part), 1987)

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13.18.080 - Approval authorities.

The applicant is responsible for obtaining any other governmental permits governing the proposed construction. Issuance of any required permits shall be a prerequisite for Village permit issuance.

(Ord. 87-12 § 1 (part), 1987)

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13.18.090 - Fees.

To cover the cost of the Village's review of the plans and inspection of the proposed construction, and in addition to any other required fees, there shall be a fee as set forth in ~~Chapter 1.46~~ Appendix A of this Code.

(Ord. 87-12 § 1 (part), 1987; Ord. No. 2016-057, § 2, 11-7-2016)

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13.18.100 - Violation—Penalty.

Any person violating any portion of this Chapter shall be punished according to the provision of Chapter 1.08 of the Buffalo Grove Municipal Code. In addition, the Village shall have the right to revoke the Village's water well permit.

(Ord. 87-12 § 1 (part), 1987)

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Chapter 13.22 - GROUNDWATER USE

13.22.010 - Use of groundwater as a potable water supply prohibited.

The use or attempt to use as a potable water supply groundwater from within the area depicted in Exhibit A, attached to Ordinance No. 2020-001, as being within the Village of Buffalo Grove and depicted by black hatching, attached hereto and made a part hereof, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the Village of Buffalo Grove.

(Ord. 2007-30, § 1, 2007; Ord. No. 2017-048, § 1, 12-4-2017; Ord. No. 2020-001, § 1, 1-6-2020)

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13.22.020 - Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to five hundred dollars for each violation.

(Ord. 2007-30, § fines as detailed in Appendix A Table A-2, 2007; Ord. No. 2017-048, § 2, 12-4-2017; Ord. No. 2020-001, § 2, 1-6-2020)

Offenses and Fines.

Attachment: Title 13 - Redline (Code Review Titles 12 & 13)

13.22.030 - Definitions.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(Ord. 2007-30, § 3, 2007; Ord. No. 2017-048, § 3, 12-4-2017; Ord. No. 2020-001, § 3, 1-6-2020)

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Information Item : Comprehensive Plan Update and UDO Overview

Recommendation of Action

Staff will be presenting an update to the Comprehensive Plan and detail how work will resume on the project. Staff will also discuss how the municipal code (particularly the zoning and development chapters) can implement the Comprehensive Plan. Finally, staff will provide a deeper dive into Unified Development Ordinances (UDOs) and discuss their utility, benefits, and application for our community. Staff will be looking to provide this overview and then address any comments or questions from the Board regarding these projects.

ATTACHMENTS:

- COW Comp Plan and UDO Memo (DOCX)

Trustee Liaison
Pike

Staff Contact
Nicole Woods, Community Development

Monday, February 6, 2023

VILLAGE OF BUFFALO GROVE



MEMORANDUM

DATE: February 6, 2023 Committee of the Whole

TO: Dane Bragg, Village Manger

FROM: Nicole Woods, Director of Community Development

SUBJECT: Comprehensive Plan Update and Unified Development Code

At the February COW, Staff will be presenting an update to the Comprehensive Plan and detail how work will resume on the project. Staff will also discuss how the municipal code (particularly the zoning and development chapters) can implement the Comprehensive Plan. Finally, staff will provide a deeper dive into Unified Development Ordinance (UDOs) and discuss their utility, benefits, and application for our community. Staff will be looking to provide this overview and then address any comments or questions from the Board regarding these projects.

COMPREHENSIVE PLAN UPDATE

The Comprehensive Plan process will be resuming after the project was put on hold over the past few years due to various factors including Covid, changing market dynamics, and new developments. The contract with Lamar Johnson Collaborative has ended and the process to complete the project will generally be taken in-house. This shift in direction allows the project to build-off the strong base that has already been established, and reflect the current market realities as well as benefit from our local institutional knowledge and skills set.

Taking the project in-house does not pose any budgetary impacts. There is approximately \$46,000 left in the budget for Comprehensive Plan. Some or all those funds may be repurposed to a consultant to assist with the planning imagery, graphics, and maps for the Comprehensive Plan.

At this time, it is anticipated that the Comprehensive Plan will be resuming this winter and then follow the following timeframe: Existing Conditions/Visioning: Winter/Spring; Draft Plan: Summer, and Final Plan: Late Summer/Early Fall.

The timing of the Comp Plan works well with two of BG's other interrelated initiatives: the Village Strategic Plan and Branding initiative. All three initiatives have a customized mission and deliverable, but all centralize over key questions of who we are and where we want to go. Staff is currently exploring natural points of synergy for community outreach and collaboration amongst the three projects.

Once the Comprehensive Plan is completed, staff will look to implement the vision and strategies of the Comprehensive Plan through applicable regulations in the Village Code, which is a part of

BG's Municipal Code Update project. In doing this update, staff is recommending a Unified Development Ordinance (UDO) format for the zoning, development, and signage regulations.

UNIFIED DEVELOPMENT ORDINANCE (UDO) OVERVIEW

What is a Unified Development Ordinance?

A Unified Development Ordinance (UDO) combines zoning, subdivision, and signage regulations into a single document. This is a modern and popular format in the planning and development industry. The UDO will provide a "user-friendly," document that can be easily understood, interpreted, and enforced by residents, developers, staff and local leaders. Traditionally, a UDO incorporates infographics, illustrations, and tables to explain and clarify regulations. When finished, the UDO will streamline the development review process and encourage development and redevelopment.

Why does Buffalo Grove need a UDO?

Currently, our Municipal Code follows a traditional organizational format with subdivision zoning, and signage regulations separated in various chapters. This type of organization can create disjointed, duplicative, and sometimes even conflictive regulations that are cumbersome to understand and enforce.

Moreover, the chapters for this Code need to be modernized as part of the BG's Municipal Code Update. The update should reflect and incorporate the visions set forth in the Strategic Plan and the Comprehensive Plan as well as more modern building and development standards.

Creating a UDO fulfills recommendations outlined in the *2016 Economic Development Strategic Plan* and the *2018-2023 Strategic Plan*.

Budget Considerations and Timeline

Once the Comprehensive Plan is complete, staff can kick off the UDO initiative via an RFP for the project. Staff has interviewed some of the more popular regional zoning consultants and found that an estimated cost for such a project is around \$115,000 - \$135,000. Some savings can be gained by trimming down the visioning and community outreach that is traditionally part of the UDO process, given that visioning and outreach would have just been conducted in the Comprehensive Plan process. Minimal timeline for such a project is 12 months.

The 2023 Budget allocated \$60,000 for the UDO as it was anticipated the project would kick off in the latter part of 2023 and continue to 2024. Additional funds will be requested for the project as part of the 2024 Budget.

NEXT STEPS

Staff would like to present this information and then address any comments or questions from the Board regarding these projects. No formal action is needed at this time.



Information Item : Executive Session - Section 2(C)(1) of the Illinois Open Meetings Act: the Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Specific Employees of the Public Body or Legal Counsel for the Public Body, Including Hearing Testimony on a Complaint Lodged Against an Employee of the Public Body or Against Legal Counsel for the Public Body to Determine Its Validity.

Recommendation of Action

Staff recommends going into executive session.

Executive Session - Section 2(C)(1) of the Illinois Open Meetings Act: The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

Trustee Liaison

Sussman

Staff Contact

Dane Bragg, Office of the Village Manager

Monday, February 6, 2023