



Engineering
Department

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DATE: October 28, 2016
TO: Municipal Services Committee
FROM: Brigitte Berger, P.E., Director of Engineering and Public Works
SUBJECT: Meeting Packet for November 3, 2016

Attached, please find the meeting packet for the November 3, 2016 Municipal Services Committee meeting at 5:30 PM in the Second Floor Training Room at Village Hall.

Please note there are two items that will be forthcoming.

Agenda item 4 is discussion of construction standards for public utility permits. Corporation Counsel Mike Zimmermann is preparing a memorandum that is Attachment 1. This memorandum will be emailed to you separately by Mr. Zimmermann.

Agenda item 6 is discussion of Special Service Areas (SSAs) to fund certain capital improvement projects. A financial analysis of establishing SSA's for two capital improvement projects (streetlight and brick conversion projects) will be provided at the meeting on November 3.



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DEPARTMENT OF
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**NOTICE OF MEETING
of the
MUNICIPAL SERVICES COMMITTEE OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE**

**Thursday, November 3, 2016 at 5:30 P.M.
Second Floor Training Room
Wilmette Village Hall
1200 Wilmette Avenue, Wilmette, Illinois**

AGENDA

1. Call to Order
2. Minutes of the Municipal Services Committee Meeting of April 5, 2016
3. Minutes of the Municipal Services Committee Meeting of January 22, 2013
4. Construction Standards for Public Utility Permits-- Discussion
5. Overlaid Brick Street Policy-- Discussion
6. Special Service Areas to Fund Certain Capital Projects – Discussion
7. Public Comment
8. Old Business
9. New Business
10. Adjournment

Trustee Cameron Krueger, Chair

IF YOU ARE A PERSON WITH A DISABILITY AND NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE
IN AND/OR ATTEND A VILLAGE OF WILMETTE PUBLIC MEETING, PLEASE NOTIFY THE VILLAGE
MANAGER'S OFFICE AT (847) 853-7509 OR TDD (847) 853-7634 AS SOON AS POSSIBLE.



1200 Wilmette Avenue
 WILMETTE, ILLINOIS 60091-0040

MEETING MINUTES

MUNICIPAL SERVICES COMMITTEE OF THE VILLAGE BOARD

TUESDAY, APRIL 5, 2016

6:30 P.M.

TRAINING ROOM OF VILLAGE HALL

Members Present: Trustee Cameron Krueger, Chair
 Trustee Daniel Sullivan
 Trustee Julie Wolf

Members Absent: None

Staff Present: Brigitte Berger, P.E., Director of Engineering and Public Works
 Russ Jensen, Village Engineer
 Nabil Quafisheh, Director of Water Management

I. CALL TO ORDER.

Trustee Cameron Krueger, Chair, called the meeting to order at 6:30 p.m. Committee members Trustees Sullivan and Wolf were present.

II. APPROVAL OF MINUTES; MUNICIPAL SERVICES COMMITTEE MEETING OF NOVEMBER 5, 2015.

Trustee Krueger directed the Committee's attention to the draft minutes of the Municipal Services Committee meeting of November 5, 2015.

Trustee Wolf moved that the Committee approve the minutes. The motion was seconded by Trustee Sullivan and approved by unanimous voice vote. **The motion carried.**

III. REVIEW OF SIGN POLICY

Brigitte Berger, Director of Engineering and Public Works, said since 2011 Village staff has worked on an initiative to reduce the number of redundant and unnecessary signs in the Village. The Village has removed 1695 signs and have only added 185 signs. There is consensus that too much signage adds to sign pollution, it clutters our streetscape, it is expensive to maintain and over time, the

signs become meaningless to drivers. As a part of the reduction of sign process, staff is bringing to the Board a new policy which formalizes the strategy for when staff determines a new sign is necessary. The federally adopted Manual of Uniform Traffic Control Devices is staff's guiding document when signing regulatory traffic control devices such as stop and parking signs. All other signs are considered discretionary and will only be approved if the following five basic requirements are met:

1. Fulfill a need
2. Command attention
3. Convey a clear, simple meaning
4. Command respect from road users
5. Give adequate time for proper response

Ms. Berger said single-purpose signs that have limited application are being removed across the Village and are no longer installed upon request. The most prevalent single-purpose signs are those that establish no parking to accommodate driveways entering a narrow street. In most cases, these signs are unnecessary and there for the resident's convenience.

Trustee Krueger said he is delighted to see the clutter of signs removed.

Trustee Wolf said she agrees with Trustee Krueger and she is happy to see that there is a Village wide speed limit unless otherwise posted as it clarifies the speed limit and reduces sign clutter.

Trustee Wolf moved to recommend that the draft sign policy be adopted by the full Village Board at a future Regular Village Board as drafted. The motion was seconded by Trustee Krueger and approved by unanimous voice vote. **The motion carried.**

IV. REVIEW OF VALET PARKING POLICY

Ms. Berger said recently Village staff has received request from business owners to allow for the operation of valet parking in the Village Center. The Current Village Code does not specifically permit or prohibit valet parking operations, nor does the Village have a procedure establishing parameters for valet parking. The purpose of this policy is to outline the procedure for operating valet parking licenses.

Ms. Berger said she has prepared an outline of the process by modeling it after other municipalities' ordinances. The following proposed policy may be discussed and tailored to Wilmette's needs.

1. An application for valet parking license shall be filed with the Village Engineer. The application will include contact information about the operator, business establishment served, copies of their Illinois and Wilmette business licenses, general description of the proposed operation including identification of the

- loading zone, hours of operation, location of vehicle storage and proof of insurance.
2. Valet parking licenses will be allowed only in the Village Center.
 3. Licenses will be issued by the Department of Engineering and Public Works for a \$100 annual fee.
 4. The Village Manager may, in his/her sole discretion, revoke or move a loading zone at any time if it is determined that the loading zone, or its location, has increased traffic congestion or traffic hazards in the public streets, or otherwise has impaired the public health, safety or welfare.
 5. A business or operator may temporarily store customers' motor vehicles on private nonresidential property only pursuant to a written lease or agreement.
 6. No vehicle shall be parked by a valet parking attendant on any public street.
 7. Operators may temporarily store customers' motor vehicles in municipal parking lots in the Village Center provided parked vehicles do not exceed the posted time restrictions or lot capacity.
 8. Motor vehicles accepted for valet parking shall not be parked on public streets or rights-of-way nor in private parking lots which have not been specifically approved for valet parking operations in the valet parking permit.

Ms. Berger noted there was a draft outline of an ordinance and sample copies of an application and license included in the report presented to the Committee.

Trustee Sullivan said he believes the proposed policy is a good initiative. He asked if there would be parking spaces blocked in front of the restaurant for a valet stand/car drop off area.

Ms. Berger said as part of the application process, a plan will have to be submitted by the restaurant and valet company showing where the car would load and unload and staff would have discretion in approving the area.

Trustee Krueger said he believes it is appropriate to create the policy as valet parking has created some problems so having rules to govern the process is important. He asked if any street parking would be lost due to valet parking.

Ms. Berger said there would be some parking spots lost due to the valet loading and unloading areas.

Trustee Wolf said she also believes the proposed process is a good thing as there have been some issues with valet parking in the Village Center and the policy will provide for an organized process.

Trustee Sullivan made a motion to approve the draft valet parking ordinance and recommendation of full Village Board adoption at a future Regular Village Board meeting. The motion was seconded by Trustee Wolf and approved by unanimous voice vote. **The motion carried.**

V. UPDATE ON THE SEPARATE STORM SEWER SYSTEM STUDY

Ms. Berger said after the November 5, 2015 meeting, the Committee asked staff to go back and look at two options related to the storm water study; 1) Alternative 1 which includes building a relief storm sewer system to collect and convey excess storm flows to the stormwater pump station, 2) Alternative 2.2 which includes building an above-ground storage at Community Playfield. The Committee asked staff to prepare the following for Committee review:

1. Detailed schedule and implementation plan for Alternative 1 (Relief Storm Sewer) and 2.2 (Centralized Stormwater Storage at Community Playfield-Above-Ground Only)
2. Detailed Cost/Benefit Analysis for Alternatives 1 and 2.2
3. Funding Options

Ms. Berger reviewed the report presented to the Committee noting that the schedule and implementation plan is very aggressive and the minimum time involved would be 6 years. Staff recommends that the detailed implementation schedule for Alternative 1 be closely aligned with other capital projects such as watermain replacement and road reconstruction to maximize economies of scale and minimize resident inconvenience.

Ms. Berger said the phasing plan for Alternative 2.2 is more complicated as the project would be impacting the Wilmette Park District and School District 39. A condensed construction schedule would be developed to ensure the existing operations of the field would be minimized as much as possible.

Staff can estimate the cost but what they struggled with is how to define the benefit. The number they continue to use is the number of homes protected. She said the number of cost per structure protected is 15 to 28 times more expensive than the West Park Project per the analysis report.

The only way to fund a \$55 or \$77 million sewer program is through a General Obligation Bond Issue. Staff has identified three options to pay the cost of the debt service; 1) Residential sewer rate increase, 2) Special service area, 3) Village-wide stormwater utility tax. Ms. Berger noted that each of the options would have to generate \$3.2 - \$4.5 million annually to pay the debt service.

The Village's sewer fee supports the entirety of \$5.0 million sewer program's annual expense, which includes operation and maintenance of the combined and separate sewer system as well as debt service for past sewer improvements.

Debt service accounts for 66% or \$3.3 million, of the total sewer fund expense. Due to Wilmette's substantial investment in its sewer system over the past 20 years, the Village's local sewer rate has historically been one of the highest in the region.

Ms. Berger also noted a Special Service Area (SSA) could be established by ordinance in order to pass on the cost of the storm sewer project to homeowners who reside within the SSA. Also, many Villages are addressing stormwater deficiencies by implementing a stormwater utility tax or fee as detailed in the report.

Trustee Wolf said the Village has not previously done a Special Service Area to finance storm sewer projects. She said it does not seem fair in some ways, as the whole Village has paid for other projects but on the other hand, she has heard from some residents that they would prefer to have something that they could write off as an increase to their property tax. The other option that she believes has some interesting potential is the Stormwater Utility Tax, if we go ahead with the project, there could then be some incentives for reducing one's runoff and getting some type of credit.

Trustee Krueger said he likes Alternative 1, even though it is more expensive, as it will give a long term fix to a problem and it can be done somewhat incrementally. He does not like the cost or the fact that any of the solutions solve the problem for everything. He said there is the possibility of raising the current sewer rate over the next few years and that money would specifically go to fund a big sewer project and simultaneously figure out how a Special Service Area works as both of those together may make sense. He would rather fund a sewer project through a combination of those as it is a combination of a Village wide problem and a function of the geography of that particular area. Doing nothing does not work for him, so he believes we should start with beginning to socialize the concept of raising the rates over the next several years and consider the Special Service Area.

Trustee Wolf said it makes sense to wait until the West Park Sewer Project is fully complete to see how it will impact the area.

Trustee Sullivan said he agrees that Alternative 1 is the right way to go but it is the most expensive. If we have to spend a lot of money, then he believes it should be in total of what the Village faces and how do you prioritize that.

Trustees Wolf and Krueger said that if the Village Board considers raising sewer rates then every time a street is redone, there may be money in the sewer fund to do something to address flooding in the area.

Village Engineer Russ Jensen said the idea of a sewer fund will be crucial as there are going to be costs just to develop the implementation plan moving forward.

Ms. Berger said in 2020 the water debt will be scaling back so the Trustees suggestions of having a future sewer fund will work nicely with that to implement new water main and street replacement.

Trustee Krueger asked if there was anyone present to address the item.

Karleen McAlister, 323 Wilshire Drive East, said there was an article called "The Prevalence and Cost of Urban Flooding; A Case Study of Cook County, Illinois" prepared by the Center for Neighborhood Technology that includes data for Wilmette from 2007 – 2011. They analyzed claims made to private insurance companies as well as claims made to FEMA and Wilmette was high up in Cook County in terms of claims. She said the report also noted that houses lose 10 to 25% of their property value if the basements flood and the average claim is approximately \$8,000. She said does not agree with setting up a Special Service Area (SSA) to pay for sewer projects within a certain area in the future as all the past sewer projects have been shared by the whole Village. She would also like to encourage more thought about the assessment based on impervious surface area.

Joel Feinstein, 407 Wilshire Drive West, said he believes Alternative 1 is the best solution and he likes the idea of setting up a future fund. He does not believe the SSA is fair to the residents of a specific area.

Mr. Henrick, 205 Thelon Court, said he believes that the neighborhoods are being over built and we are covering a lot of green space with cement and pavement so there is no place for water to go.

Howard Gopman, 226 Millbrook Lane, asked which Alternative would affect his property. He also believes that new construction causes flooding.

Ms. Berger asked that Mr. Gopman contact her and she would review the alternatives in the report and how they would apply to his property.

Bob Davis, 227 Kilpatrick, said a number of garages were built in his area and no one in the area knew they were being built. He believes they caused flooding issues for his property. He believes that there should be different types of noticing for variances.

Ms. McAlister asked if the Zoning Ordinance addressed water run-off and or detention for new homes.

Ms. Berger said Illinois Drainage Law says that if you are downstream, you have to accept upstream water so the notion that a new development is going to keep all their water on their property is incorrect. We do have a grading ordinance for new single family homes and if you are changing the contours of your property, you cannot create a situation where you are draining water onto your neighbor's

property.

Ms. McAlister noted that developments do have to provide water detention for larger developments per MWRD but there are probably some larger developments that were built before MWRD laws required detention.

Trustee Krueger noted the end of Public Comment.

Trustee Wolf asked if would make sense to go ahead with an Engineering Study for costs now or if the study should be done after the West Park Sanitary Sewer Project is completed to see how that will affect the area.

Ms. Berger said the Capital Improvement process for the budget is beginning at this time, so perhaps staff could draft a multi-year program of funding. She suggested the possibility of hiring an independent consultant to do a QAQC review of the \$75 million plan as they may be able to offer some alternative options to the overall design that could save money.

Trustee Krueger said it will be difficult to convince the remainder of the Village Board and other residents that spending millions of dollars is justified for a small number of homes.

Ms. Berger said staff could put together, through the Capital Improvement Program (CIP) process a program that would outline what the engineering costs would be and what consultant costs would be to look at a stormwater utility tax.

Trustee Sullivan said he agreed with Trustees Wolf and Krueger and was in favor of staff drafting a plan to put through the CIP process rather than going ahead with an engineering study at this time.

VI. UPDATE ON THE WILMETTE WATER SYSTEM CONDITION ASSESSMENT STUDY

Nabil Quafisheh, Director of Water Management, said in May of 2015 the VB approved a contract with CDM Smith for engineering services associated with Water System Assessment Study. Based on the findings of the study, the following items were recommended:

- 1) Adoption of the new risk based assessment methodology for the prioritization of future Capital Improvements Projects (CIP) at the water plant.
- 2) Further investigation of cost and alternatives related to the water plant electrical improvements program phase I.

Mr. Quafisheh said at this time, he is not requesting to review the results or the prioritization of the distribution system main replacement program as this program is slated to start in 2020 as an adopted goal.

The Water Management Department wished to establish a formal Asset Management Plan (AMP) for the Water Plant that would create strategies, recommend actions and quantify resources for future planning. The AMP would also mitigate the risk of failure of assets in the most cost-effective manner. Staff utilized the widely used concept in utilities assets management: risk based evaluation. Asset risk is the vulnerability probability that an asset would have a consequence related to its failure to meet prescribed level of service goals. Asset risk is comprised of two components: Condition of the asset and criticality of the asset. He reviewed the tables the tables presented in the report and noted as a result of the study, a modified and updated CIP program is proposed. He program consists of three main projects:

- 1) Replacement of the main switchgear, MCC-A1, MCC-A2 and MCC-A3.
- 2) Replacement of MCC-B and MCC-C
- 3) Replacement of the two backup engine generators.

Due to the cost amount of the project and some unknowns that would affect it, staff recommends performing a follow up study on the electrical improvements in 2016. The follow up study will provide the Village with the following information:

- A better planning cost estimate for the project.
- Explore potential solutions related to the location of the equipment and staging to provide better cost estimate.
- Explore the sequence of construction as it relates to keeping the facility operating and the potential costs associated with it.
- Submit a pre-application for an Illinois EPA SRF loan as a potential funding source for this project.

Mr. Quafisheh said given the cost of the proposed electrical improvements, a bond issue will be required, noting that historically the Village has issued general obligations bonds for water plant improvements of this magnitude. To reduce costs, staff is exploring the Illinois Environmental Protection Agency's Revolving Loan Fund which provides low interest loans for drinking water projects. Staff is asking the Committee to adopt the Assessment Methodology for the Water Management Department and approval for further investigation of the electrical improvements.

The Committee said they were comfortable moving ahead with adopting the Assessment Methodology for the Water Management Department and approval for further investigation of the electrical improvements.

VII. PUBLIC COMMENT

VIII. OLD BUSINESS

No Report.

IX. ADJOURNMENT

Trustee Krueger asked for a motion to adjourn. Trustee Sullivan moved to adjourn the meeting. The motion was seconded by Trustee Wolf. No further discussion occurred on the motion. Voting yes: Trustee Krueger, Trustee Sullivan and Trustee Wolf. Voting no: none. **The motion carried.**

The meeting was thereafter adjourned.

Minutes Respectfully Prepared by Barbara Hirsch.



VILLAGE OF WILMETTE

1200 Wilmette Avenue
WILMETTE, ILLINOIS 60091-0040

JOINT MEETING MINUTES OF THE MUNICIPAL SERVICES COMMITTEE OF THE VILLAGE BOARD AND WILMETTE PARK DISTRICT PARKS AND RECREATION COMMITTEE

MONDAY, JANUARY 22, 2013

6:30 P.M.

SECOND FLOOR TRAINING ROOM OF VILLAGE HALL

Members Present: Village Trustee Cameron Krueger, Chairman
Village Trustee Alan Swanson
Village Trustee Julie Wolf
Park District President James Brault
Park District Commissioner Shelley Shelly
Park District Commissioner James Crowley

Members Absent: None

Staff Present: Brigitte Mayerhofer, P.E., Director of Engineering Services,
Village of Wilmette
Jorge Cruz, P.E., Assistant Director of Engineering Services,
Village of Wilmette
Kathy Bingham, Park District Superintendent of Recreation
Bill Lambrecht, Park District Superintendent of Parks and
Planning
Holly Specht, Park District Lakefront Manager

I. CALL TO ORDER.

President Brault called the meeting to order at 6:35 p.m.

II. DISCUSSION OF ELMWOOD AVEUNE RIGHT-OF-WAY

Chairman Cameron Krueger said the Village has decided to make the Elmwood Avenue right-of-way a passive use and possibly make some improvements to it pending finding funding for it. The Village would like some insight in how to operate the property.

Ms. Mayerhofer described the site plan noting that there will be a fully accessible ADA path that will bring residents from the top of Elmwood Avenue to the beach. In order to

do that, a footbridge will have to be installed. There may also be some seating and bicycle racks. The goal of the entire project is to maintain as much of the existing vegetation as possible.

President Brault said the Park Board has not had a very detailed discussion regarding the property. He noted that the Elmwood Avenue right-of-way is two blocks north of Gillson Park and two and a half blocks south of Langdon Park. He believes if there is going to be open access to the Elmwood right-of-way, it will create traffic as residents will not have to pay as they currently do at Gillson and Langdon accesses. The Park District has some experience with open access as Langdon Park used to be an open access area. The type of activity happening there was uncontrolled and the Park District decided to change the access to controlled access six years ago.

Trustee Swanson asked if people can walk along the shore of the lake.

President Brault said people can walk the shore of the lake but are not able to access the Park District beaches.

Trustee Swanson said it was the Committee's intent to have the Elmwood Avenue right-of-way be a park, and passed an ordinance restricting swimming and boating as the Village is not in the parks and recreation business.

Chairman Krueger asked if the Park District had any problems with people entering the beach at the Elmwood right-of-way and trying to walk into Gillson Park or Langdon Park this past summer.

Holly Specht, Park District, said they did have issues with people coming from the Elmwood area and trying to walk through the sailing beach.

Commissioner Shelly said there were problems with people swimming in the private areas, which is very difficult to control.

Chairman Krueger said if someone is on the sailing beach they could choose to walk north into the private property area as long as they are walking in the water.

Kathy Bingham said they try to discourage people walking from Gillson Beach north out of respect for private home owners. There are separate memberships for swimming and sailing at the Park District.

President Brault said the swimming areas of the beach have life guards, and they have attempted to be very clear regarding which areas are non-swimming beaches. He said it is very difficult to keep people out of the water even if the area is posted and they have guards patrolling.

Trustee Swanson asked how the Park District would deal with the Elmwood Avenue right-of-way if it was their property.

President Brault said it would depend on what the priority is for the property.

Trustee Swanson said from the public hearings that were held, it was important to residents to retain the land, to preserve the nature habitat of the land, and to provide a way for people to enjoy the property and the view.

President Brault said he believes it is hard to predict what will happen with the property and how many people will access the property.

Trustee Wolf said the property is for preservation and passive use but the Committee thought it would help to mirror Park District regulations regarding beaches and parks.

President Brault said all parts of the beach are regulated and monitored by the Park District.

Chairman Krueger said he would like to know if one of the options would be to regulate the property with a pass and would the Park District be open to regulating the property.

President Brault said if a gate is installed for regulation he does not know what the objective would be, because there would not be a lifeguard available.

Commissioner Crowley said there will have to be some type of paid security during operational hours or there will be boats, jet skis and swimmers without enforcement.

Chairman Krueger asked if the Coast Guard has ever been called to ask someone to leave the water area.

Holly Specht said the Coast Guard does not enforce rules on the shore.

Chairman Krueger said he would like to better understand the “riparian rights” regulations.

Commissioner Shelly said she believes people coming in through the sailing beach will end up at the Elmwood Beach.

Trustee Swanson asked the Park District Commissioners if they had any interest in owning or managing the Elmwood Avenue right-of-way.

Commissioner Brault said if the Elmwood Avenue right-of-way is to remain an open, unfettered access to the water, he believes it will be very difficult to sustain.

President Brault said maintenance of the property would be easy but managing the

property would be complicated.

Commissioner Crowley said someone will have to pay for security to manage the area.

Ms. Specht said they have seven people managing the south beach and three people managing Langdon Beach. There would have to be at least one person managing the Elmwood Beach area with some type of back up for that person.

Trustee Wolf said residents conveyed to the Village Board that they would like the Elmwood property to remain a passive use.

Chairman Krueger said he agreed with Trustee Swanson that they would like to hear from the Park Board regarding the cost of the use, maintenance and regulations for the Elmwood property.

Commissioner Crowley said they recently went through the process for the south beach area so there is some basis for evaluating it.

Trustee Swanson said there are beaches to the north of Wilmette that deal with the issues of open beaches and they do not have any problems.

Kathy Bingham said the open beaches in Winnetka are difficult to access as they are located at the base of a bluff.

Commissioner Brault said they would take the request of discussing the Elmwood Avenue right-of-way to the full Park Board.

III. ADJOURNMENT.

Chairman Krueger asked for a motion to adjourn. Trustee Swanson moved to adjourn the meeting. The motion was seconded by Trustee Wolf. No further discussion occurred on the motion. Voting yes: Chairman Krueger, Trustee Swanson and Trustee Wolf. Voting no: none. **The motion carried.**

The meeting was thereafter adjourned at 7:28 P.M.

Minutes Respectfully Prepared by Barbara Hirsch.



Engineering
Department

(847) 853-7500
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MEETING DATE: November 3, 2016

TO: Municipal Services Committee

FROM: Brigitte Berger, P.E., Director of Engineering and Public Works
Russ Jensen, P.E., Village Engineer
Jorge Cruz, P.E., Assistant Village Engineer

SUBJECT: Construction Standards for Public Utility Permits

Recommended Action

At the request of Chairman Krueger, a discussion of construction standards for public utility companies has been placed on the agenda. There is no specific action requested at this time.

Background

Utility companies, including NICOR, ComEd, AT&T, Comcast, etc., are regulated by the Illinois Commerce Commission. Please refer to Attachment 1 which is a memorandum from Corporation Counsel Mike Zimmermann further defining the roles of the ICC and Village regarding the installation and maintenance of these public utilities.

Discussion

Section 16-16 of the Village Code (Attachment 2) establishes policies and procedures for constructing public utilities on rights-of-way within the Village's jurisdiction.

Procedures

Utility companies are required to obtain a permit from the Village when the following conditions apply:

- (1) Change in the location of the facility;
- (2) Addition of a new facility;

- (3) Disruption in the right-of-way; or,
- (4) Material increase in the amount of area or space occupied by the facility

Permits are not required for installation and maintenance of service connections to customers' homes where there will be no disruption of the right-of-way.

Uniform Standards

The following nine uniform standards are referenced in Chapter 16 and are related to issuing permits for utility facilities. Village staff has and will continue to ensure that these nine standards are met when approving permits.

- (1) Preventing interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) Preventing the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) Preventing 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) Protecting against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) Protecting against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) Preserving the character of the neighborhoods in which facilities are installed;
- (7) Preserving open space, particularly the tree-lined parkways that characterize the village's residential neighborhoods;
- (8) Preventing visual blight from the proliferation of facilities in the rights-of-way; and
- (9) Assuring the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

In an effort to improve quality control and accountability of utility permit holders, staff developed a draft Permit Application Checklist (Attachment 3) and draft Permit Conditions (Attachment 4) that will be applied to every utility permit requested and issued by the Village.

Documents Attached

1. Memorandum from Corporation Counsel Mike Zimmermann regarding Utility Permits
2. Chapter 16-16 of the Village Code entitled Construction and Use Standards for Utility Facilities in Public Rights-of-Way
3. Draft Public Utility Permits Application Checklist
4. Draft Public Utility Permit Conditions

📖 16-16 CONSTRUCTION AND USE STANDARDS FOR UTILITY FACILITIES IN PUBLIC RIGHTS-OF-WAY.

📖 16-16.1 PURPOSE, INTENT AND SCOPE.

(a) Purpose. The purpose of this Section [16-16](#), including each of its further subsections, is to establish policies and procedures for constructing facilities on rights-of-way within the village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the village rights-of-way and the village as a whole.

(b) Intent. In enacting this Section [16-16](#), the village intends to exercise its authority over the rights-of-way in the village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

- (1) Preventing interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) Preventing the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) Preventing 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) Protecting against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) Protecting against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) Preserving the character of the neighborhoods in which facilities are installed;
- (7) Preserving open space, particularly the tree-lined parkways that characterize the village's residential neighborhoods;
- (8) Preventing visual blight from the proliferation of facilities in the rights-of-way; and
- (9) Assuring the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(c) Facilities subject to this section. This Section [16-16](#) 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 Section [16-16](#) 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 Section [16-16](#).

(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 Section [16-16](#) 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 sections. This Section [16-16](#) supersedes all sections or parts of [Chapter 16](#) 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 Section [16-16](#), the utility shall comply with the requirements of this Section [16-16](#) 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 Section [16-16](#) and may vary the standards, conditions, and requirements expressed in this Section [16-16](#) 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.

(2007-O-73, 10/23/07)

📖 16-16.2 DEFINITIONS.

(a) As used in this Section [16-16](#), and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section [16-16](#).

- (1) AASHTO: American Association of State Highway and Transportation Officials.
- (2) ANSI: American National Standards Institute.

- (3) Applicant: A person applying for a permit under this section.
- (4) ASTM: American Society for Testing and Materials.
- (5) Backfill: The methods or materials for replacing excavated material in a trench or pit.
- (6) Bore or boring: To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.
- (7) Cable operator: That term as defined in 47 U.S.C. 522(5).
- (8) Cable service: That term as defined in 47 U.S.C. 522(6).
- (9) Cable system: That term as defined in 47 U.S.C. 522(7).
- (10) Carrier pipe: The pipe enclosing the liquid, gas or slurry to be transported.
- (11) Casing: A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.
- (12) Clear zone: The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.
- (13) Coating: Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.
- (14) Code: The Wilmette Village Code, 1993, as amended.
- (15) Conductor: Wire carrying electrical current.
- (16) Conduit: A casing or encasement for wires or cables.
- (17) Construction or construct: The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.
- (18) Cover: The depth of earth or backfill over buried utility pipe or conductor.
- (19) Crossing facility: A facility that crosses one or more right-of-way lines of a right-of-way.
- (20) Director: The village's Director of Engineering Services, or said Director's designee.
- (21) Disrupt the right-of-way: 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.
- (22) Emergency: Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.
- (23) Encasement: Provision of a protective casing.
- (24) Engineer: The village's Director of Engineering Services, or said Director's designee.
- (25) Equipment: Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.
- (26) Excavation: The making of a hole or cavity by removing material, or laying bare by digging.
- (27) Extra Heavy pipe: Pipe meeting ASTM standards for this pipe designation.
- (28) Facility: All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Section. For purposes of this Section, the term "facility" shall not include any facility owned or operated by the village.
- (29) Freestanding facility: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.
- (30) Frontage road: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.
- (31) Hazardous materials: Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Director to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.
- (32) Highway code: The Illinois Highway Code, ILCS Ch. 605, Act 5 § 1-101 et seq., as amended from time to time.
- (33) Highway: A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.
- (34) Holder: A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, ILCS Ch. 220, Act 5 § 21-401.
- (35) IDOT: Illinois Department of Transportation.
- (36) ICC: Illinois Commerce Commission.
- (37) Jacking: Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

- (38) Jetting: Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.
- (39) Joint use: The use of pole lines, trenches or other facilities by two or more utilities.
- (40) J.U.L.I.E.: The Joint Utility Locating Information for Excavators utility notification program.
- (41) Major Intersection: The intersection of two or more major arterial highways.
- (42) Occupancy: The presence of facilities on, over or under right-of-way.
- (43) Parallel facility: A facility that is generally parallel or longitudinal to the centerline of a right-of-way.
- (44) Parkway: Any portion of the right-of-way not improved by street or sidewalk.
- (45) Pavement cut: The removal of an area of pavement for access to facility or for the construction of a facility.
- (46) Permittee: That entity to which a permit has been issued pursuant to Subsections [16-16.4](#) and [16-16.5](#).
- (47) Practicable: That which is performable, feasible or possible, rather than that which is simply convenient.
- (48) Pressure: The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).
- (49) Petroleum products pipelines: Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.
- (50) Prompt: That which is done within a period of time specified by the village. If no time period is specified, the period shall be 30 days.
- (51) Public entity: A legal entity that constitutes or is part of the government, whether at local, state or federal level.
- (52) Restoration: The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.
- (53) Right-of-way or rights-of-way: 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.
- (54) Roadway: That part of the highway that includes the pavement and shoulders.
- (55) Sale of telecommunications at retail: The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.
- (56) Security fund: That amount of security required pursuant to Subsection [16-16.10](#).
- (57) Shoulder: A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.
- (58) Sound engineering judgment: A decision(s) consistent with generally accepted engineering principles, practices and experience.
- (59) Telecommunications: This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. § 76.1500 and following), as now or hereafter amended.
- (60) Telecommunications provider: Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.
- (61) Telecommunications retailer: Means and includes every person engaged in making sales of telecommunications at retail as defined herein.
- (62) Trench: A relatively narrow open excavation for the installation of an underground facility.
- (63) Utility: The individual or entity owning or operating any facility as defined in this Section.
- (64) Vent: A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.
- (65) Video service: That term as defined in Section 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, ILCS 220, Act 5 § 21-201(v).

- (66) Village: The Village of Wilmette.
- (67) Village Board: The corporate authorities of the village, composed of the Village President and Trustees, collectively.
- (68) Water lines: Pipelines carrying raw or potable water.
- (69) Wet boring: Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

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

(2007-O-73, 10/23/07)

16-16.3 ANNUAL REGISTRATION REQUIRED.

Every utility that occupies right-of-way within the village shall register on January 1 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 24-hour telephone number for each such person, and evidence of insurance as required in Subsection [16-16.8](#), in the form of a certificate of insurance.

(2007-O-73, 10/23/07)

16-16.4 PERMIT REQUIRED; APPLICATIONS AND FEES.

(a) Permit required. No person shall construct (as defined in this Section [16-16](#)) 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 Section [16-16](#)); 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 Engineer and obtaining a permit from the village therefor, except as otherwise provided in this Section [16-16](#). 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 Section [16-16](#) 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 Subsection [16-16.8](#) of this Chapter;
- (8) Evidence of posting of the security fund as required in Subsection [16-16.10](#) of this Chapter;
- (9) Any request for a variance from one or more provisions of this Subsection [16-16](#) (see Subsection [16-16.21](#)); 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 division (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 of Greater Chicago, 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 30 days after the change necessitating the amendment.

(f) Application fees. Unless otherwise provided by franchise, license, or similar agreement, or otherwise exempted under the provisions of [Chapter 17](#) of this code concerning telecommunications providers paying the Simplified Municipal Telecommunications Tax or the payment of a service provider fee by a holder, all applications for permits pursuant to this Section [16-16](#) shall be accompanied by a fee in the amount of \$250. 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.

(2007-O-73, 10/23/07)

16-16.5 ACTION ON PERMIT APPLICATIONS.

(a) Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the 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 Engineer shall reject such application in writing, stating the reasons therefor. If the Engineer is satisfied that the proposed work conforms to the requirements of this Section [16-16](#) and applicable ordinances, codes, laws, rules, and regulations, the 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 Engineer, that the construction proposed under the application shall be in full compliance with the requirements of this Section.

(b) Additional village review of applications of telecommunications retailers.

(1) Pursuant to Section 4 of the Telephone Company Act, ILCS 220, Act 65 § 4, a telecommunications retailer shall notify the village that it intends to commence work governed by this Section [16-16](#) 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 30 days prior to the commencement of work requiring excavation. The 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 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 Section [16-16](#).

(3) Upon the provision of such specification by the village, where a permit is required for work pursuant to Subsection [16-16.4](#) of this chapter the telecommunications retailer shall submit to the village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of division (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 45 days after submission to the village, unless otherwise acted upon by the village, provided the holder has complied with applicable village codes, ordinances, and regulations.

(2007-O-73, 10/23/07)

16-16.6 EFFECT OF PERMIT.

(a) Authority granted; no property right or other interest created. A permit from the village authorizes a permittee to undertake only certain activities in accordance with this Section [16-16](#) 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 Section [16-16](#) 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. When the Engineer determines that the scope of the work subject to the permit so warrants, no construction shall begin pursuant to such a permit issued under this Section [16-16](#) 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 Engineer with such village representatives in attendance as the Engineer 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.

(2007-O-73, 10/23/07)

16-16.7 REVISED PERMIT DRAWINGS.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall immediately notify the Engineer of such deviation and, additionally, shall submit a revised set of drawings or plans to the village within 90 days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Section [16-16](#), it shall be treated as a request for variance in accordance with Subsection [16-16.21](#). 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.

(2007-O-73, 10/23/07)

16-16.8 INSURANCE.

(a) Required coverage 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 divisions (1) and (2) below:

(1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:

- (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 \$1,000,000 for personal injury and property damage for each accident;

(3) Worker's compensation with statutory limits; and

(4) Employer's liability insurance with limits of not less than \$1,000,000 per employee and per accident.

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

(b) Excess or umbrella policies. The coverages required by this subsection 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 of Wilmette, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Director of Engineering Services, Village of Wilmette, 1200 Wilmette Ave., Wilmette, IL 60091, 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 division (a) of this subsection. 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 division (a) of this subsection, or the requirements of divisions (b), (c) and (d) of this subsection. 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 paragraph (a) of this subsection, 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 subsection 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 subsection shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois.

(2007-O-73, 10/23/07)

📖 16-16.9 INDEMNIFICATION.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Section [16-16](#) 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 Section [16-16](#) by the village, its officials, officers, employees, agents or representatives.

(2007-O-73, 10/23/07)

📖 16-16.10 SECURITY.

(a) Purpose and applicability. The permittee shall establish a security fund in a form and in an amount as set forth in this Subsection. The Security Fund shall be continuously maintained in accordance with this Section [16-16](#) 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 Section [16-16](#);

(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 Section [16-16](#); and

(3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the village may pay or incur by reason of any action or non-performance by permittee in violation of this Section [16-16](#) including, without limitation, any damage to public property or restoration work the permittee is required by this Section [16-16](#) 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 Section [16-16](#) or any other applicable law.

The Engineer, in the exercise of her or his reasonable discretion, based on the scope of the work permitted and the nature of the disruption to the right-of-way, may waive the requirement for a security fund, or may allow a permittee receiving multiple permits to post a single security covering all permitted work.

(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 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 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 division (c) of this subsection for any single phase.

(d) Withdrawals. The village, upon 14 days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the village for such amount within the 14-day notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
- (2) Fails to pay any liens relating to the facilities that are due and unpaid;
- (3) Fails to reimburse the village for any damages, claims, costs or expenses which the village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
- (4) Fails to comply with any provision of this Section [16-16](#) that the village determines can be remedied by an expenditure of an amount in the Security Fund.

(e) Replenishment. Within 14 days after receipt of written notice from the village that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in division (c) of this subsection.

(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 division (c) of this subsection.

(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 Section [16-16](#) 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 Section [16-16](#) 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.

(2007-O-73, 10/23/07)

16-16.11 PERMIT SUSPENSION AND REVOCATION.

(a) Village right to revoke permit. The village may revoke or suspend a permit issued pursuant to this Section [16-16](#) for one or more of the following reasons:

- (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
- (2) Non-compliance with this chapter or other applicable provisions of this code;
- (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 subsection stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this subsection.

(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 division (a) of this subsection.

(e) Failure or refusal of the permittee to comply. If the permittee fails to comply with the provisions of division (c) of this subsection, the village or its designee may, at the option of the village:

- (1) Correct the deficiencies;
- (2) Upon not less than 20 days notice to the permittee, remove the subject facilities or equipment; or,
- (3) After not less than 30 days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the village.

The permittee shall be liable in all events to the village for all costs of removal.

(2007-O-73, 10/23/07)

16-16.12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(a) Notification of change. A utility shall notify the village no less than 30 days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this Section [16-16](#), 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 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.

(2007-O-73, 10/23/07)

16-16.13 GENERAL CONSTRUCTION STANDARDS.

(a) Standards and principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

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

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

(c) Tree protection. Unless otherwise specifically provided in this Section [16-16](#), the utility shall comply with the tree protection standards set for in Section [9-4.5.3](#) with respect to any tree whose critical root zone is located in an area where work authorized under its permit is occurring.

(2007-O-73, 10/23/07)

16-16.14 TRAFFIC CONTROL.

(a) Minimum requirements. The village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this code.

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

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

(d) Notice when access is blocked. At least 48 hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Subsection [16-16.20](#), 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.

(2007-O-73, 10/23/07)

16-16.15 LOCATION OF FACILITIES.

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

(1) No Interference with village facilities. No utility facilities shall be placed in any location if the 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 (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

(c) Facilities crossing highways.

(1) No future disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

(2) Cattle passes, culverts, or drainage facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

(3) 90 degree crossing required. Crossing facilities shall cross at or as near to a 90 degree angle to the centerline as practicable.

(4) Overhead power or communication facility. An overhead power or communication facility may cross a highway only if:

(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. § 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 using such vegetation or materials as may be approved by the Engineer.

(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.

(2007-O-73, 10/23/07)

16-16.16 CONSTRUCTION METHODS AND MATERIALS.

(a) Standards and requirements for particular types of construction methods.

(1) Boring or jacking.

(A) Pits and shoring.

(i) Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Engineer from the edge of the pavement.

(ii) Pits for boring or jacking shall be excavated on the same day as the commencing of boring or jacking operations, and shall be backfilled on the same day as completion of the boring or jacking operations. Boring and jacking operations must be carried out expeditiously to minimize the amount of time that pits are open and to avoid having pits open overnight or at times when no boring or jacking work is being performed.

(iii) While pits are open, they shall be clearly marked and protected by barricades. In addition to such markings and barricades, if a pit must remain open overnight or when no boring or jacking is being performed, the pit must also be covered with steel plates.

(iv) 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 (25 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 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 division (4) is permitted under Section [16-16.21](#), the following requirements shall apply:

(A) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-11 gradation or such other material as may be required by the Engineer.

(B) Restoration of pavement, using materials and methods as may be specified by the Engineer, 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 60 psig or less, encasement may be eliminated.

(E) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if:

(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:

<i>TYPE OF FACILITY</i>	<i>MINIMUM COVER</i>
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;

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 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten business days after placement.

(2) Underground facilities other than electric power or communication lines. Underground facilities other than electric power or communication lines may be installed by:

(A) The use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;

(B) Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

(C) Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

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

(3) Gas transmission, distribution and service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR § 192), IDOT's "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.

(4) Petroleum products pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

(5) Waterlines, sanitary sewer lines, storm water sewer lines or drainage lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."

(6) Ground mounted appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the 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. Any anticipated storage of materials the right-of-way shall be indicated in the permit application, and shall be subject to prior approval by the 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 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 14](#), Section [14-6.3](#), "Commercial Noise," of this code.

(e) Location of existing facilities. Any utility proposing to construct facilities in the village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (ILCS 220, Act 50 § 1, et seq.) (2007-O-73, 10/23/07)

16-16.17 VEGETATION CONTROL.

(a) Electric utilities - compliance with state laws and regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the village as permitted by law.

(b) 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) Use of chemicals.

(1) Unless authorized under a state law or regulation that supersedes the requirements of this paragraph, the spraying or application of brush-killing or defoliating chemicals, herbicides, insecticides or chemical fertilizers on the public right-of-way by a utility is prohibited.

(2) Specific application of chemical insecticide or fertilizer to right-of-way trees may be approved by the Engineer when, in consultation with the Director of Public Works, it is determined to be reasonably necessary to preserve or protect the health of a tree, or treat disease or infestation of a tree.

(2007-O-73, 10/23/07)

16-16.18 REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES.

(a) Notice. Within 30 days following written notice from the village, or such longer time as the Engineer may reasonably allow, 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 30 days following written notice from the village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Section [16-16](#); or
- (4) If the facility was constructed or installed at a location not permitted by the permittee's permit, 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 90 days. Following receipt of such notice the village may direct the utility to remove all or any portion of the facility if the 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.

(2007-O-73, 10/23/07)

16-16.19 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 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 Engineer for good cause shown.

(2007-O-73, 10/23/07)

16-16.20 MAINTENANCE AND EMERGENCY MAINTENANCE.

(a) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the village and at the utility's expense.

(b) Emergency maintenance procedures. Emergencies may justify non-compliance with normal procedures for securing a permit:

(1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. 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 Engineer or the Engineer's duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the village Police Department 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 48 hours after an emergency repair.

(2007-O-73, 10/23/07)

16-16.21 VARIANCES.

(a) Request for variance. A utility requesting a variance from one or more of the provisions of this Section [16-16](#) must do so in writing to the Engineer as a part of the permit application. The request shall identify each provision of this Section [16-16](#) from which a variance is requested and the reasons why a variance should be granted.

(b) Authority to Grant Variances. The Engineer shall decide whether a variance is authorized for each provision of this Section [16-16](#) identified in the variance request on an individual basis.

(c) Conditions for granting of variance. The 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 Engineer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Section [16-16](#) but which carry out the purposes of this Section [16-16](#).

(e) Right to appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the 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 30 days after the date of such order, requirement, decision or determination. The Village Board shall commence its consideration of the appeal at the Village 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.

(2007-O-73, 10/23/07)

 16-16.22 PENALTIES.

(a) Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Section [16-16](#) shall be subject to fine up to \$750 for each offense. A separate violation will be deemed to occur each day that a violation exists that has not been remedied or corrected by the violator.

(b) 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 Section [16-16](#). 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. It shall also constitute an offense for a utility to fail to pay costs so apportioned to it.

(2007-O-73, 10/23/07)

 16-16.23 OTHER REMEDIES.

Nothing in this Section [16-16](#) shall be construed as limiting any additional or further remedies that the village may have for enforcement of this Section [16-16](#), or any other provision of this chapter or code, including but not limited to, seeking injunctive relief in order to compel compliance.

(2007-O-73, 10/23/07)

 16-16.24 SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Section [16-16](#) 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.

(2007-O-73, 10/23/07)

Public Utility Permits Application Checklist
(NICOR, AT&T, ComEd, Comcast, WOW, etc.)

1. Check activities requiring a Village right-of-way permit:
 - _____ (1) Change in the location of the facility;
 - _____ (2) Addition of a new facility;
 - _____ (3) Disruption in the right-of-way; or,
 - _____ (4) Material increase in the amount of area or space occupied by the facility
2. Two permit applications submitted _____
3. The utility's name and address and telephone and telecopy numbers _____
4. The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work _____
5. 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 _____
6. 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 _____
7. 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 _____
8. 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 _____
9. 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 _____
10. Evidence of insurance as required in Subsection [16-16.8](#) of the Village Code _____
11. Evidence of posting of the security fund as required in Subsection [16-16.10](#) of the Village Code _____

12. 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 _____
13. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures _____
14. In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied _____
15. 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 of Greater Chicago, have been satisfied _____
16. 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 _____
17. In the case that an existing transmission watermain is located within the area of the proposed work, the top of the transmission main will be physically located prior to placing any proposed underground utilities _____
18. 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 30 days after the change necessitating the amendment _____
19. Application fees. Unless otherwise provided by franchise, license, or similar agreement, or otherwise exempted under the provisions of [Chapter 17](#) of this code concerning telecommunications providers paying the Simplified Municipal Telecommunications Tax or the payment of a service provider fee by a holder, all applications for permits pursuant to this Section [16-16](#) shall be accompanied by a fee in the amount of \$250. 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.

Public Utility Permit Conditions
(NICOR, AT&T, ComEd, Comcast, WOW, etc.)

1. When an existing transmission watermain is located within the area of the proposed work, the top of the transmission main will be physically located prior to placing, boring, jacking or trenching any proposed underground utilities
2. Pits for boring or jacking shall be excavated on the same day as the commencing of boring or jacking operations, and shall be backfilled on the same day as completion of the boring or jacking operations. Boring and jacking operations must be carried out expeditiously to minimize the amount of time that pits are open and to avoid having pits open overnight or at times when no boring or jacking work is being performed.
3. While pits are open, they shall be clearly marked and protected by barricades. In addition to such markings and barricades, if a pit must remain open overnight or when no boring or jacking is being performed, the pit must also be covered with steel plates.
4. 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.
5. Wet boring or jetting. Wet boring or jetting shall not be permitted under the roadway.
6. 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 (25 mm).
7. 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 or following pipe method.
8. 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.
9. 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."
 - 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 Engineer.
 - 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.

- Drip line of trees. The utility shall not trench within the drip line of any tree designated by the village to be preserved.
- Backfilling: 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.
- 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.

10. 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.

- Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-11 gradation or such other material as may be required by the Engineer.
- Restoration of pavement, using materials and methods as may be specified by the Engineer, 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.

11. 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.

12. 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:

<i>TYPE OF FACILITY</i>	<i>MINIMUM COVER</i>
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

13. Ground mounted appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the 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.
14. 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.
15. Material storage on right-of-way. Any anticipated storage of materials the right-of-way shall be indicated in the permit application, and shall be subject to prior approval by the 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.
16. 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.
17. Construction operations on rights-of-way may, at the discretion of the village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property. These restrictions may be waived by the Engineer when emergency work is required to restore vital utility services.

18. Unless otherwise permitted by the village, the hours of construction are those set forth in [Chapter 14](#), Section [14-6.3](#), "Commercial Noise," of this code.

19. Location of existing facilities. Any utility proposing to construct facilities in the village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (ILCS 220, Act 50 § 1, et seq.)



Engineering
Department

(847) 853-7660
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MEETING DATE: November 3, 2016

TO: Municipal Services Committee

FROM: Brigitte Berger, P.E., Director of Engineering and Public Works
Russ Jensen, P.E., Village Engineer
Jorge Cruz, P.E., Assistant Village Engineer

SUBJECT: Review of the Overlaid Brick Street Program and Policy

Recommended Action

The purpose of this agenda item is to review the cost and long term viability of the overlaid brick street program. There is no specific action requested at this time.

Background

In 2001 the Village Board adopted a policy to restore existing brick streets that are currently overlaid with asphalt. The conditions of the policy are as follows:

1. The street must consist of original, clay-fired bricks overlaid with asphalt.
2. The street must be included in a given year's annual road rehabilitation program, which is based on pavement ratings.
3. More than sixty-percent of the residents with frontage along the eligible street must be in favor of the brick surface.
4. A minimum of a *three block segment* must be endorsed in order to maintain some consistency with the pavement materials.
5. Given that the brick street renovation is more costly than an asphalt overlay, the eligible streets may be completed in shorter segments, so as not to dominate one year's road program budget.

Discussion

A summary of the overlaid brick street reconstructions and their respective costs is provided in the table below:

Year	Street	From	To	cost/sf
2003	Linden Avenue	5 th St	7 th St	\$16.64
2004	Linden Avenue	7 th St	9 th St	\$18.83
2005	Linden Avenue	9 th St	10 th St	\$19.05
2005	15 th Street	Highland Ave	Spencer Ave	\$22.66
2006	15 th Street	Spencer Ave	Lake Ave	\$9.03*
2006	Linden Avenue	10th St	Poplar St	\$23.27
2013	15 th Street	Lake Ave	Forest Ave	\$21.07
2014	15 th Street	Forest Ave	Walnut Ave	\$25.67
2016	15 th Street	Walnut Ave	Green Bay Road	\$24.56

* The majority of curb and gutter was salvaged with this project reducing the unit cost.

Policy Review

Village staff reviewed the brick street policy and recommends changes to the streets eligible for brick reconstruction as summarized below:

- Several blocks (Linden Avenue, 12th Street, Lake Avenue and Wilmette Avenue) carry high truck and passenger car volumes. These streets are not ideal for brick reconstruction because of the heavy traffic's detrimental impact to the bricks.
- Several blocks (Greenleaf Avenue, Linden Avenue and Lake Avenue) are believed to have large portions of the original bricks removed during major underground utility projects. The significant cost of supplying bricks for these streets is deemed cost-prohibitive.
- Isabella Street has shared jurisdiction with the City of Evanston.

The recommended revised list of eligible streets for the program is as follows:

Street	From	To	PCI	Blocks
15th Street	Wilmette Avenue	Highland Avenue	11	2
Forest Avenue	15 th Street	Sheridan Road	17-64	11
Prairie Avenue	Isabella Street	15 th Street	18-23	8
Park Avenue	Linden Avenue	Wilmette Avenue	53	1
Linden Avenue	Prairie Avenue	Park Avenue	63	1
Park Avenue	Wilmette Avenue	Lake Avenue	89	3
Elmwood Avenue	15 th Street	Green Bay Road	99	1
Michigan Avenue	Sheridan Road	437-feet North	NA	1
			Total:	28

Brick Supply

The annual brick supply needed for the overlaid brick street program (one block), the existing brick street renovation program (one block) and the maintenance of our existing brick streets is estimated at 13,000 square feet of bricks per year. The historic brick supplier indicated they are able to meet this demand for the next 25 years.

The brick supply at the Village Yard will be replenished by salvaging bricks under Lake Avenue, Wilmette Avenue and Greenleaf Avenue, during their respective pavement reconstructions.

Documents Attached

1. Revised Policy for the Reconstruction of Brick Streets Overlaid with Asphalt



VILLAGE OF WILMETTE

1200 WILMETTE AVENUE
WILMETTE, ILLINOIS 60091-0040

ENGINEERING
DEPARTMENT

(847) 853-7660
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POLICY FOR THE RECONSTRUCTION OF BRICK STREETS OVERLAID WITH ASPHALT

Draft Revisions 10-28-16 in RED

BACKGROUND

The Village of Wilmette has approximately 41,262 linear feet of asphalt streets that were originally constructed of clay brick pavers. Over time, the brick pavers were overlaid with asphalt, and the pavers now serve as the road's base.

The residents of the Village of Wilmette enjoy the character of the brick streets and have requested an opportunity to restore the brick streets overlaid with asphalt. The following policy will be used to determine if overlaid brick streets are eligible for restoration.

An economic analysis indicates that the immediate cost of installing the brick streets is more than an asphalt street. But, the brick paver life is estimated at 100 plus years, significantly more than asphalt streets, which require resurfacing after 10-15 years and/or reconstruction after 20-25 years. Over a span of 100 years, the asphalt streets require more maintenance, making brick streets an economical option.

POLICY

If the following criteria are met, the Village of Wilmette will support eliminating the existing asphalt surface and restoring the original bricks to the surface:

1. The street must consist of original, clay-fired bricks overlaid with asphalt.
2. The street must be included in a given year's annual road rehabilitation program, which is based on pavement ratings.
3. More than sixty-percent of the residents with frontage along the eligible street must be in favor of the brick surface.
4. A minimum of a *three block segment* must be endorsed in order to maintain some consistency with the pavement materials. For example, Linden Avenue is eleven blocks long. The survey must indicate an affirmative response for at least three consecutive blocks, in order to make a change in pavement material.

5. Given that the brick street renovation is more costly than an asphalt overlay, the eligible streets may be completed in shorter segments, so as not to dominate one year's road program budget.

DISCUSSION

It is assumed that approximately 70-percent of the pavers can be salvaged, and the remaining pavers can be purchased. A supplier in Iowa has a large supply of the bricks on hand and will sell them at approximately **\$7.00 per square foot (2016 price)**, including shipping costs.

During construction, the salvaged brick will be collected, cleaned and placed on pallets. The brick supply at the Village yard will be used and replenished with brick purchased by the supplier in Iowa.

The following brick streets are overlaid with asphalt:

Street	From	To	Blocks
Lake Avenue *	Ridge Road	Michigan Avenue	18
Park Avenue	Lake Avenue	Linden Avenue	4
Prairie Avenue	Isabella Street	Fifteenth Street	8
Fifteenth Street	Wilmette Avenue	Green Bay Road	10
Elmwood Avenue	Fifteenth Street	Green Bay Road	1
Forest Avenue	Fifteenth Street	Sheridan Road	11
Greenleaf Avenue	Poplar Drive	Fourth Street	8
Isabella Street	East Village Limits	Fifteenth Street	15
Michigan Avenue	Sheridan Road	437-feet North	1
Wilmette Avenue *	Elmwood Avenue	Lake Avenue	2
Twelfth Street	Central Avenue	Lake Avenue	2
Linden Avenue	Prairie Avenue	Third Street	11

The street with an "*" are not recommended to be replaced with brick because of the volumes of traffic they withstand.

Recommended to be removed from the brick reconstruction list

Street	From	To	Reason	Blocks
Linden Avenue	Park Avenue	Green Bay Road	High volume	1
Linden Avenue**	3rd Street	5th Street	Brick removed	2
12th Street	Central Avenue	Lake Avenue	High volume	2
Greenleaf Avenue**	Poplar Drive	4th Street	Brick removed	8
Isabella Street ***	East Village Limits	15th Street	Jurisdiction	15
Lake Avenue**	Ridge Road	Michigan Avenue	High volume	18
Wilmette Avenue	Elmwood Avenue	Lake Avenue	High volume	2
			Total:	48

**** All or large portions of the overlaid bricks are believed to be removed. This can be confirmed with pavement cores.**

***** Isabella is partially owned and maintained by the City of Evanston.**

Eligible for Brick Reconstruction

Street	From	To	PCI	Blocks
15th Street	Wilmette Avenue	Highland Avenue	11	2
Forest Avenue	15th Street	Sheridan Road	17-64	11
Prairie Avenue	Isabella Street	Fifteenth Street	18-23	8
Park Avenue	Wilmette Avenue	Linden Avenue	53	1
Linden Avenue	Prairie Avenue	Park Avenue	63	1
Park Avenue	Lake Avenue	Wilmette Avenue	89	3
Elmwood Avenue	15th Street	Green Bay Road	99	1
Michigan Avenue	Sheridan Road	437-feet North	NA	1
			Total:	28



Engineering
Department

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MEETING DATE: November 3, 2016

TO: Municipal Services Committee

FROM: Brigitte Berger, P.E., Director of Engineering and Public Works
Russ Jensen, P.E., Village Engineer

SUBJECT: Special Service Areas

Recommended Action

At the request of Chairman Krueger, this agenda item includes discussion of Special Service Areas (SSA's) as a means of funding select capital improvement projects. There is no action requested at this time.

Background

All of the Village's capital and maintenance infrastructure projects to date have been funded through general taxes and fees paid by all households in Wilmette. SSA's can be established by municipalities to fund projects that benefit a defined group of residents. An SSA can be initiated by either the Village or the residents. The process begins with filing an application with pertinent information including the special services to be provided, the boundaries of the proposed SSA, the estimated amount of funding required and the stated need and support for the SSA. Attachment 1 is a memorandum from Corporation Counsel Mike Zimmermann which outlines the SSA process in detail.

Discussion

There are many projects in the capital improvement program (CIP) that have been deferred for years because of limited revenue and competing priorities. SSA's offer an opportunity to fund these projects with tax revenue generated from the residents who directly benefit from the improvement.

Examples of CIP projects that could be funded with SSA's include:

Iroquois Road Decorative Lighting - \$110,550

Remove the existing cobra style street lighting and install decorative street lighting within the Iroquois Road cul-de-sac. This project was the result of a resident petition from the Iroquois Road neighbors. The request was reviewed and recommended by the Municipal Services Committee in 2012.

Harvard Lane Decorative Lighting - \$39,000

Install decorative street lighting on Harvard Lane, north of Lake Avenue. This project was the result of a resident petition from the Harvard Lane neighbors. The request was reviewed and recommended by the Municipal Services Committee in 2015.

Lawler Avenue- 500 and 600 blocks- Roadway Lighting –Cost TBD

The Village recently received a petition requesting roadway lighting on the 500 and 600 blocks of Lawler Avenue. In order to develop a cost estimate preliminary engineering design is required.

Asphalt Overlaid Brick Street Reconstructions—Cost varies

The Village has reconstructed 15 blocks of asphalt overlaid brick streets and has 25 blocks remaining that are eligible for brick reconstruction. (Note, the 25 eligible blocks is based on the revised brick street policy discussed in the previous agenda item.) The 15 blocks already completed were funded through general fund revenues.

The cost of brick street reconstruction has increased by 66% since the program began in 2003. Brick streets continue to be three to four times more expensive to build compared to resurfacing asphalt streets. This is largely because of the extensive labor necessary to rebuild brick streets. Current practice is to build only one block at a time because of the high cost of reconstructing roads in brick. The consequence of this is that it will take more than two decades to complete the remaining 25 blocks of overlaid brick streets.

As an option to the current practice, SSA's could be established to finance overlaid brick street reconstructions. The entire cost of the brick reconstruction could be levied to the

residents directly benefiting from the improvement. The other option is to levy just the incremental cost difference between asphalt resurfacing and brick reconstruction.

Financial Analysis

For purposes of discussion, the Iroquois Road Street Lighting and Forest Avenue Brick Reconstruction projects will be reviewed as possible projects funded through establishment of SSA's. A sample analysis of the financial impact to home owners for these projects will be presented to the Committee at the meeting on November 3.

Documents Attached

1. Memorandum from Corporation Counsel Mike Zimmermann regarding Special Service Areas

MEMORANDUM

To: Brigitte Berger, Director of Engineering and Public Works
From: Michael F. Zimmermann, Corporation Counsel
Date: October 24, 2016
Re: Special Service Area Basics

Special Service Areas Overview, Background and Checklist

A special service area (“SSA”) is a limited taxing district within the Village which is used to fund service or improvements in the SSA that are not available to the entire municipality. Thus, where a defined area is primarily the beneficiary of some municipal service or improvement, a special service area could be created to fund the project. Common examples of the uses to which special service areas are used include parking facilities which serve business areas, local street and sidewalk improvements, stormwater improvements or water system improvements. The process for creating a special service area, although simpler than the special assessment procedures, does include a provision by which area property owners and electors can veto the project. The following information is provided regarding the establishment of a special service area and accompanying tax levies.

I. Preliminary Considerations

A "special service area" means a contiguous area within a municipality in which "special governmental services" are provided in addition to those services provided generally throughout a municipality. (35 ILCS 200/27-5) "Special Services" means "all forms of services pertaining to the government and affairs of the municipality." Any decision to create a special service area involves a number of preliminary policy decisions which must be made by the municipality.

1. Initially, the public purpose to be served by the SSA must be identified. In the other jurisdictions, such districts have been created to provide a variety of services and improvements including parking facilities, lighting districts, and increased police protection. The Attorney General has opined that the purpose of

special service areas may be more broad for home-rule units. “Special services” will be construed to allow home rule units to use the tax to finance matters that pertain to their governmental affairs, however, non-home rule units may only use the tax to support their exercise of their statutory powers. 1975 Op.Atty.Gen. No. S-951. Further, the Illinois Constitution and case law have held that a “special service” for a home rule unit shall be “construed liberally”. See Ill.Const.1970, art. VII, sec. 7; Ill.Const.1970, art. VII, sec. 6(1)-(m); and *Coryn v. City of Moline*, 71 Ill.2d 194 (1978).

2. Next, a reasonable boundary for the special service area must be designated. This boundary could be based on existing uses, existing zoning classification or simply based on the extent of the benefits received from the special services. The SSA may include tax exempt parcels which, although within the SSA will not be subject to the special service area tax. See *Ciacco v. City of Elgin*, 85 Ill.App.3d 507, 407 N.E.2d 108 (2nd Dist. 1980). In the alternative, the SSA may exclude property which will not be benefitted by the special service area. See *Hiken Furniture Co. v. City of Belleville*, 53 Ill.App.3d 306, 368 N.E.2d 961 (3rd Dist. 1977). By way of example, where a special service area is created to provide parking for commercial establishments, residential property could be excluded.

II. Proposing Ordinance

Once the initial policy determinations have been made, the Village must adopt an ordinance proposing the special service area and provide notice and a public hearing regarding:

1. The creation of the SSA; and
2. The levy of taxes; and
3. The issuance of bonds (if any).

The proposing ordinance should include the following:

1. The boundaries of the SSA by legal description and, where possible, street addresses.
2. The permanent tax index numbers of each parcel within the area.
3. A map outlining the boundaries of the special service area.
4. The nature of the proposed special services to be provided; including a statement as to whether or not the services are for new construction, maintenance or other purposes.
5. The proposed amount of tax levy for the initial year for which taxes will be levied.

6. The maximum rate of taxes to be extended within the special service area in any year and the maximum number of years taxes will be levied if a maximum number of years is established
7. If applicable, the maximum amount of bonds proposed, the maximum period of time over which bonds will be retired and interest rate the bonds shall bear.
8. The nature of the tax.
9. Sets the date for public hearing

Regarding Item Number 8 above, it should be noted that, although real estate property taxes are the most common form in which special service area financing is conducted, this is not the exclusive mechanism. Other taxes, such as a special sales tax and even an employment head tax, have been utilized.

III. Notice

Notice of the Public Hearing must be mailed and published as required by the statute. This notice must include the following:

1. The time and place of the hearing.
2. The boundaries of the area by legal description, and where possible, by street addresses.
3. The permanent tax index number of each parcel located within the special service area.
4. The nature of the proposed special services including a statement as to whether the services are for new construction, maintenance or other purposes.
5. The proposed amount of tax levy for special services to be provided within the special service area for the initial year for which taxes will be levied.
6. A notification that all interested persons, including all persons owning taxable real property located within the special service area, will be given an opportunity to be heard at the hearing regarding the tax levy and an opportunity to file objections to the amount of the levy.
7. The maximum rate of taxes to be extended in any year and the maximum number of years taxes will be levied if a maximum number of years is established

8. If applicable, the maximum amount of bonds proposed, the maximum period of time over which bonds will be retired and interest rate the bonds shall bear and, if the services are to be maintained by an entity other than the municipality, then a statement indicating who will be responsible for the maintenance.

The notice must be published in a newspaper of general circulation not less than fifteen days prior to the hearing. Notice must also be mailed to the person or persons in whose name the taxes for the last preceding year were paid not less than ten days prior to the date of the hearing. In the event taxes for the last preceding year were not paid, the notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of the property. Put another way, it is incumbent upon the Village to identify the persons who actually paid the taxes in the last preceding year and forward the notice directly to those individuals. In addition, it is recommended that notice be sent to the property owners, if known by the municipality. Finally, where there is a discrepancy between the names on the tax rolls and the individuals who paid the taxes in the last preceding year, the most prudent course would be to mail notices to both individuals.

IV. Public Hearing

As set forth above, the public hearings on the creation of the SSA, the levy of taxes and the issuance of bonds may be combined into a single hearing. At that time, interested persons should be allowed to present any statements, in writing or verbally, regarding any of the three issues which may be involved in the public hearing. The hearing need not take place in the proposed special service area. Village Hall is sufficient unless overflow crowds are expected, in which case other accommodations should be made.

This public hearing must be conducted by the corporate authorities. Because the adjournment of the hearing starts the clock for the objection period (see below) it is important that a clear record be made regarding when this hearing was "finally adjourned."

V. Objections and the 60-day objection period.

Section 27-55 creates what the Illinois Supreme Court has described as a "veto procedure" of the public in the form of an objection petition. Coryn v. City of Moline, 71 Ill.2d 194, 202-03 (1978). The public has 60 days following the final adjournment of the public hearing to file an objection petition which, like its name suggests, is a petition that objects to the creation of a special service area, the levy of taxes or the issuance of bonds. An objection petition must be signed by at least 51% of the electors residing within the special service area and by at least 51% of the owners of record of land included within the boundaries of the special service area. In a special service area where no electors reside, the signatures of owners are sufficient to support an objection petition. Team Barry Marketing v. Village of Bensenville, 2013 IL App (2d) 120086-U ¶ 24. This objection petition must be filed with the Municipal Clerk. If these objection requirements are met then the special service area shall

not be created.¹

There are no express procedures or protocol for judicial or other review of an objection petition, so the Village must make its own determination as to whether the requisite signatures have been submitted. Determinations regarding who is an elector and who is a property owner are to be determined based upon the date of the public hearing. See Village of Lake Barrington v. Hogan, 272 Ill.App.3d 225, 233, 208 Ill.Dec. 705, 649 N.E.2d 1366 (1995). If the required number of signatures is not met, the Village may adopt the establishing ordinance and file it and the map with the County Clerk's Office.

Objectors who feel that the objection petition(s) are sufficient to defeat the special service area and that the municipality counted incorrectly have the remedy of a quo warranto proceeding to void the municipality's actions. See People v. Village of Johnsburg, 403 Ill.App. 3d 333 (2010).

VI. Ordinance Creating SSA (Establishing Ordinance)

Following the close of the objection period, the Village may adopt an ordinance establishing the special service area, provided no objections meet the statutory requirement to preclude the SSA. The establishing ordinance must contain the (a) legal description of the territory of the area, (b) the permanent tax index numbers of the parcels located within the territory of the area, (c) an accurate map of the territory, (d) a copy of the notice of the public hearing, and (e) a description of the special services to be provided. It should also set the tax levy and provide for the issuance of bonds (if applicable) all in accord with the proposing ordinance.

VII. Filing of Ordinance

A certified copy of the establishing Ordinance must be filed in the Recorder of Deeds Office "no later than 60 days after the date the ordinance was adopted." (35 ILCS 200/27-40) An ordinance recorded later is not valid.

VIII. Tax Levy

Pursuant to Section 27-75 of the Special Service Area Tax Law (35 ILCS 200/27-75) the corporate authorities must file a certified copy of the ordinance(s) levying taxes on or before the last Tuesday in December with the County Clerk.

IX. Management of a Special service area

SSAs may be administered by Village staff or through a contract with a third party. In my experience, most are administered by Village staff. However, should the Village choose to

¹ It is not uncommon for multiple objection petitions to be filed. In the case of multiple petitions, the village should count all signatures and treat the petitions as a single petition.

contract for this service, it may do so and that decision need not be expressed in the establishing ordinance but may, see above, be outlined in the notice if bond financing is used.

SSA Checklist

I. Preliminary Matters	Comments/status
1. Prepare legal description with PINs and street addresses (where possible) and map for proposed SSA	
2. Obtain list of registered voters residing in SSA	
3. Obtain list of persons who actually paid the taxes on each tax parcel in the last preceding year	
4. Obtain list of persons who own real estate within the SSA	
I.A. Citizen-generated Proposal to establish Area	
• Application	
• Filed with Mayor	
• Name of applicant	
• Legal status of applicant	
• Special services to be provided	
• Boundaries of proposed SSA	
• Estimated amount of funding required	
• Stated need for the special services	
• Local support for the services	
• Signed by at least 1 owner of record in the proposed SSA	
• Village Board may accept or reject	
II. Initial Ordinance (Proposing Ordinance)	
1. Describes the “services”	
2. Sets forth the form of the notice	
3. Sets boundaries of the district by legal description, and where possible, street address, and identifies the land by a map	
4. The proposed tax limit, if any.	
5. The proposed limit and rate of bonds to be issued, if any.	
6. The nature of the tax.	
7. Sets date of Public Hearing	
III. Notice	
1. The time and place of the hearing.	
2. The area included by legal description, PINs and, where possible, by street address.	
3. The nature of the proposed special services to be provided within the special service area and a statement as to whether the proposed special services are for new construction, maintenance or other purposes.	
4. The proposed amount of tax levy for special services for the initial year for which taxes will be levied	
5. A notification that all interested persons, including all persons	

owning taxable real property located within the special service area, will be given an opportunity to be heard at the hearing and an opportunity to file objections.	
6. The maximum rate of taxes to be extended in any year. This last item may also include a maximum number of years in which the taxes are to be levied.	
7. If applicable, describes bond issue and rate	
IV. Publication and Mailing	
1. Published in a newspaper of general circulation not less than fifteen days prior to the hearing.	
2. Mailed persons in whose name the taxes for the last preceding year were paid not less than ten (10) days prior to the date of the hearing.	
V. Public Hearing	
1. The creation of the SSA.	
2. The levy of taxes.	
3. The issuance of bonds.	
4. Any and all interested persons should be allowed to present any statements, in writing or verbally, regarding any of the three issues which may be involved in the public hearing.	
5. This public hearing must be conducted by the corporate authorities.	
6. Minutes should clearly reflect when hearing was "finally adjourned."	
VI. Objection Period (60 days)	
1. Sixty (60) days following the final adjournment of the public hearing.	
2. Objections must be signed by at least 51% of the electors residing in the SSA, if any, <u>and</u> 51% of the owners of record of land included within the boundaries of the special service area.	
3. Objection petition must be filed with the Municipal Clerk.	
4. Municipality determines whether the requisite signatures have been submitted.	
5. If objectors disagree with municipalities determination of the objections, the burden is on the objectors to bring appropriate quo warranto proceeding to void the municipality's actions and determination as to the requisite signatures.	
6. Determinations regarding who is an elector and who is a property owner are to be determined based upon the date of the public hearing.	

VII. Ordinance Creating Special service area	
<ul style="list-style-type: none">• legal description of the territory of the area,• the permanent tax index numbers of the parcels located within the territory of the area,• an accurate map of the territory,• a copy of the notice of the public hearing, and• a description of the special services to be provided.• maximum tax rate• provide for the issuance of bonds (if applicable)	
VII. Filing of Ordinance	
<ul style="list-style-type: none">• Filed with the Recorder of Deeds Office no later than sixty days after the date the ordinance was adopted	
<ul style="list-style-type: none">• Filed with County Clerk	