

Chapter 19

STREETS AND SIDEWALKS

Sections:

- 19.1ART. Article I. In General
- 19.1SEC. Reserved.
- 19.2. Reserved.
- 19.3. Definitions.
- 19.4. Inspection and enforcement.
- 19.5. through 19-8. Reserved.
- 19.9. Reserved.
- 19.10. Reserved.
- 19.11. Reserved.
- 19.12. Reserved.
- 19.13. Reserved.
- 19.14. Access to streets and alleys; permit required; improvements.
- 19.14.1. Certain construction activities; sidewalk improvements required.
- 19.14.2. Sidewalk Construction; installation in previously developed areas, requests for and replacement of.
- 19.15. Vehicles crossing curbs and parkways.
- 19.15.1 Skateboarding, roller skating or in-line skating in a business district.
- 19.16. Vehicles prohibited on parkways; exception.
- 19.17. Obstructions or encroachment of public land regulated.
- 19.18. Mailboxes on public rights of way.
- 19.19. Permits required for work affecting trees and shrubs.
- 19.20. Reserved.
- 19.21. Reserved.
- 19.21.1. Depositing of snow on streets and sidewalks prohibited.
- 19.22. Depositing, storing, processing material in streets and parkways.
- 19.22.1. Reserved.
- 19.22.2. Removal of warnings prohibited.
- 19.22.2ART. Article II. Permits
- 19.23. Permit required.
- 19.24. Application.
- 19.25. Agreement to accept liability for work performed.
- 19.26. Bond required for certain permits.
- 19.27. Insurance required for certain permits.
- 19.28. Inspection and Permit Fees.
- 19.29. Repealed by Ord. No. 3263, § 17.
- 19.30. Rights of the Village not affected by granting of permits.
- 19.31. Work to be commenced within thirty days.
- 19.32. Performance of additional work.
- 19.33. Display of permit.
- 19.34. Nontransferability.
- 19.35. Expiration; extension of time.
- 19.36. Default in performance.
- 19.37. Revocation.
- 19.38. Restoration of street by Village.

Downers Grove Municipal Code

- 19.39. Abandoned facilities.
- 19.39ART. Article III. Street Openings
- 19.40. Permit required; compliance with chapter.
- 19.41. Notice to adjoining property owners of proposed work.
- 19.42. Repealed by Ord. No. 3263, § 24.
- 19.43. Removal of debris, rubbish, etc., from work area; protection of persons and property.
- 19.44. Requirements for work in streets, etc.
- 19.45. Backfilling and restoring of openings.
- 19.46. Temporary Permit.
- 19.46ART. Article IV. Commercial Use and Improvements
- 19.47. Reserved.
- 19.48. Ice cream vendors.
- 19.49. Reserved.
- 19.50. Reserved.
- Section 19.1ART. Article I. In General

NOTE: For state law as to general municipal powers over streets and public ways, see Ill. Comp. Stat., ch. 65, §§ 5/11-80-1 and 5/11-80-2. As to sidewalk construction and repair, see Ill. Comp. Stat., ch. 65, §§ 5/11-84-1 to 5/11-84-8.

Section 19.1SEC. Reserved.

Section 19.2. Reserved.

Section 19.3. Definitions.

(a) Wherever the term "Director of Public Works" is used in this Chapter, it shall refer to the Director of Public Works or his/her designee.

(b) Wherever any term is used in this Chapter, it shall have the same meaning as defined in Chapters 1 and 28, unless otherwise defined in this Chapter.

(Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4550, Amended, 11/18/2003; 4512, Amended, 06/03/2003)

Section 19.4. Inspection and enforcement.

The Village Manager shall designate inspection officers to enforce the various provisions of this Chapter, which officers shall have all the necessary powers and duties to enforce such provisions. The Village shall issue all permits required under this chapter and shall have all the necessary powers to inspect permitted work and to enforce permit requirements. (Ord. No. 843, § 14; Ord. No. 1750, § 1; Ord. No. 3263, § 2.)

(Ord. 5448, Amended, 02/01/2015; Ord. 4512, Amended, 06/03/2003)

Section 19.5. through 19-8. Reserved.

Section 19.9. Reserved.

(Ord. 5448, Amended, 02/01/2015; Ord. 4512, Amended, 06/03/2003)

Section 19.10. Reserved.

(Ord. 5448, Amended, 02/01/2015)

Section 19.11. Reserved.

(Ord. No. 843, § 13; Ord. No. 1737, § 5; Ord. No. 3263, § 3.)
(Ord. 5448, Amended, 02/01/2015)

Section 19.12. Reserved.

(Ord. 5448, Amended, 02/01/2015)

Section 19.13. Reserved.

Section 19.14. Access to streets and alleys; permit required; improvements.

No person shall construct any access across a parkway to improved or unimproved street, public land or public right-of-way within the Village without first obtaining a permit to do so from the Village. This permit may be issued if the following requirements are met:

(a) The access to the street will not create undue or unnecessary safety hazards; will not impede the safe and efficient flow of traffic and will be constructed in compliance with applicable laws, ordinances and specifications of the Village.

(b) If the street to which access is desired is not improved with asphalt pavement, storm sewers and curbs and gutters, it shall be improved and maintained as follows by the person seeking access in accordance with Village specifications approved by the Director of Public Works:

(1) Curbs and gutters shall be constructed along the side of any street to which access is sought to the limits of the property, if the nearest paved portion of that street is improved with curbs and gutters along one or both sides. If no curb and gutter exists, a crushed aggregate or concrete shoulder, at least twenty-four (24) inches wide, shall be constructed along the side of any street to which access is sought, to the limits of the property.

(2) Pavement at least twenty feet wide of material similar or equivalent to the material used for the nearest paved portion of that street or streets as determined by the Director of Public Works, shall be constructed along the side of the street or streets to which access is sought to the limits of the property and beyond to the nearest paved portion of that street or streets.

(3) Adequate storm drainage shall be constructed so that storm water runoff from the property from which access to the street is sought shall not cause damage to adjoining properties or erosion of the land. Such storm drainage shall be constructed in accordance with specifications as determined by the Director of Public Works consistent with the provisions of Chapter 26 of this Code which shall assure that upstream and downstream drainage problems shall not result therefrom.

(4) Traffic signals shall be constructed along the street or streets to which access is desired if the property is used for other than single-family residential uses and if the traffic volume generated from

Downers Grove Municipal Code

development of the property meets the warrants established by the Illinois Department of Transportation.

(5) All improvements made to public land shall be maintained by the person seeking access in a clean and safe condition free of any and all obstacles. Such maintenance shall not damage, create a defect, obstruction, hazard or other dangerous condition to or upon any Village owned property or adjacent property owners.

(c) No person shall construct any access to an alley within the Village without first obtaining a permit to do so from the Village. This permit may be issued if the following requirements are met:

(1) Pavement shall be constructed in accordance with Downers Grove construction specifications and to the width of any existing improved alley (or to the Village standard alley width, whichever is wider), or if none of the alley is improved, to the standard Village alley specifications and details, along the alley to which access is sought to the limits of the property and beyond to the nearest paved portion of the alley. If the existing alley right-of-way is not sufficient to construct an alley to the Village standard, the alley shall be constructed as required by the Director of Public Works, but in no case shall the pavement be less than ten (10) feet wide.

(2) Adequate storm drainage shall be constructed so that storm water runoff from the property from which access to the alley is sought shall not cause damage to adjoining properties or erosion of the land. Such storm drainage shall be constructed in accordance with specifications as determined by the Director of Public Works consistent with the provisions of Chapter 26 of this Code which shall assure that upstream and downstream drainage problems shall not result therefrom.

(d) If the right of way to which access is sought has been improved after the effective date of this section pursuant to the requirements of paragraph (b) above, the person desiring access shall pay to the Village that portion of the original cost of the improvements installed within the right of way abutting his/her property to the center line of the right of way and the limits of his/her property. These recaptured costs shall be collected by the Village and reimbursed to the person who paid for the improvements when installed, when and if the Village collects these costs as aforesaid.

(e) All proposed improvements shall be designed by a licensed professional engineer and shall be subject to review by the Director of Public Works and Village Engineer.

The Village Council, after a public hearing before the Plan Commission and receipt of the findings and recommendations of such Commission, may waive or vary any requirement of paragraph (b) above for good cause shown upon application by the person seeking access, pursuant to the criteria established in Section 20.602(c). (Ord. No. 2295, § 1; Ord. No. 2962, § 2; Ord. No. 3263, § 5; Ord. No. 3288, § 1.) (Ord. 5448, Amended, 02/01/2015; Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4550, Amended, 11/18/2003; Ord. 4512, Amended, 06/03/2003; 3550, Amended, 04/04/1993)

Section 19.14.1. Certain construction activities; sidewalk improvements required.

(a) A sidewalk permit is required for:

1. The construction of any new single family residence or commercial building; and
2. Any commercial remodeling or addition which amount to more than twenty-five percent (25%) of the gross floor area.

(b) The permits required by paragraphs (a) hereof may be issued if one of the following requirements are met:

(1) If any street abutting the property on which such improvement or construction is to occur does not currently have an existing sidewalk the property owner shall pay a fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" equal to the cost to the Village per square foot for construction of a sidewalk abutting the property.

(2) If any street abutting the property on which such improvement or construction is to occur, is planned for sidewalk construction, or currently has a sidewalk constructed on neighboring parcels, the Director of Public Works may allow the applicant to construct a sidewalk adjacent to the subject property in lieu of paying the fee. Any sidewalk constructed must connect with the existing sidewalk network and shall not create any additional dead-ends or gaps in the sidewalk network.

Downers Grove Municipal Code

(3) In the case of a corner lot, the new sidewalk or fee paid for new sidewalk shall be for the sidewalk along the access side of the property.

(4) Any fees collected as required under the previous paragraphs (1), (2) or (3) shall be utilized by the Village for construction of sidewalks and said funds shall be deposited into the Village's Capital Projects Fund.

(c) Any person aggrieved by any decision of the Director of Public Works regarding the sidewalk fee or construction of sidewalks abutting such person's property may appeal the decision within thirty (30) days of the date thereof to the Village Manager who shall hear and decide such appeal. Application for such appeal shall be in writing. The Village Manager may either affirm the decision of the Director of Public Works, or may reverse such decision. The procedure set forth in this paragraph shall constitute the only available administrative remedy for any person aggrieved by any decision of the Director of Public Works with respect to sidewalk construction and the determination of the Village Manager on an appeal shall be the final administrative decision of the Village, from which any further appeals shall be to a court of competent jurisdiction. (Ord. No. 3288, § 2.)

(Ord. 5448, Amended, 02/01/2015; Ord. 5132, Amended, 04/20/2010; Ord. 4670, Amended, 05/03/2005; Ord. 4605, Amended, 08/17/2004; Ord. 4550, Amended, 11/18/2003; Ord. 4512, Amended, 06/03/2003; 3550, Amended, 04/05/1993; 3507, Amended, 10/05/1992)

Section 19.14.2. Sidewalk Construction; installation in previously developed areas, requests for and replacement of.

(a) *Sidewalk installation in previously developed areas.* The Director of Public Works shall prepare and update annually a map, schedule or policy determining the streets or portions of streets on which sidewalks are required. In addition, the Director of Public Works shall administer the requirements of this Chapter and determine the streets or portions thereof on which sidewalk construction is to be required based upon the availability of funds. The Director of Public Works shall develop the criteria. In developing the annual map or list of streets or portions of streets on which sidewalks are to be constructed, the following factors and criteria shall be considered:

- (1) The proximity to grade (K-6) schools.
- (2) The measured average daily vehicular traffic volume (ADT) on the adjacent street.
- (3) The pedestrian clearance width.
- (4) The measured 85th percentile of traffic speed on the adjacent street.
- (5) The continuity of the new segment of sidewalk with the existing network of sidewalks.
- (6) The proximity of the area to significant non-park pedestrian generators.
- (7) The proximity to major and minor parks.
- (8) Any roadside sight obstructions and/or the existence of blind hills in the block limiting visibility of pedestrians on the roadway to motorists.

(b) *Requests from property owners.* In cases where a property owner requests installation of new sidewalk or replacement of sidewalk adjacent to his/her property other than in the order determined by the Director of Public Works, the Village may, based on the availability of funds participate in up to one-half of the cost of the new sidewalk, such cost shall not exceed the maximum per square foot cost determined uniformly and annually by the Director of Public Works. Construction of new sidewalks cannot create any gaps or dead ends in the sidewalk network.

(c) *Replacement of existing sidewalks.* In areas where sidewalks currently exist, the replacement of hazardous or deteriorated sidewalks shall occur as funds become available in accordance with the following priorities:

- (1) In business districts.
- (2) Adjacent to railroad stations.
- (3) Adjacent to school property.
- (4) On designated school routes.
- (5) Adjacent to parks.

Downers Grove Municipal Code

(6) Along other routes extending away from schools and parks.

(7) Along other streets upon the determination of the Village that the location or condition of the sidewalks warrants priority in replacement.

(Ord. 5448, Amended, 02/01/2015; Ord. 4670, Add, 05/03/2005)

Section 19.15. Vehicles crossing curbs and parkways.

It shall be unlawful for any person to push, pull, drive or cause to be pushed, pulled or driven any wheeled or track-laying type vehicle, conveyance, machine, apparatus or equipment on, over or across, in whole or in part, any curb or parkway lying in or on a public street, except as provided in this section:

(a) Vehicles, as described herein, may be driven over parkways at driveways; and

(b) Vehicles, as described herein, may be driven over curbs and over parkways at other than driveways, provided that such curbs and parkways shall be adequately bridged and shored with suitable wooden or steel structures to protect such curbs and parkways from any damage whatsoever, and further provided that a permit to do so shall be obtained from the Village. (Ord. No. 2195, § 1; Ord. No. 3263, § 6.)

(Ord. 5448, Amended, 02/01/2015; Ord. 4512, Amended, 06/03/2003; 3550, Amended, 04/05/1993)

Section 19.15.1 Skateboarding, roller skating or in-line skating in a business district.

(a) No person shall ride a skateboard, roller skate, in-line skate, electric scooter, motorized skateboard (a.k.a. Go-Ped), Segway or use a similar device upon a sidewalk, a parking or loading area, or any public property, within an area zoned for business under the Comprehensive Zoning Ordinance of the Village and upon which signs or markings so prohibiting such activity are present.

(b) The Village Manager is authorized on behalf of the Village Council to execute agreements with property owners, lessees or managers for enforcement of skateboarding, roller skating, in-line skating, electric scooter, motorized skateboard (a.k.a. Go-Ped), Segway or other similar devices restrictions on private property.

(c) No person shall ride a skateboard, roller skate, in-line skate, electric scooter, motorized skateboard (a.k.a. Go-Ped), Segway or use a similar device upon a sidewalk or upon any private property for which the Village has entered into an agreement with the property owner, lessee or manager for enforcement of the restrictions on the property, and upon which signs or markings so prohibiting skateboarding, roller skating, in-line skating or other similar devices are present.

(d) Disabled individuals employing wheelchairs and other adaptive devices are strictly exempt from this section. (Ord. No. 2991, § 2.)

(Ord. 4578, Amended, 04/06/2004)

Section 19.16. Vehicles prohibited on parkways; exception.

It shall be unlawful for any person to place or permit to stand on any parkway, except on an authorized driveway, any truck, car, automobile, trailer, wagon or other vehicle. (Ord. No. 843, §§ 4, 37; Ord. No. 968, § 1; Ord. No. 1026.)

Section 19.17. Obstructions or encroachment of public land regulated.

Except as provided herein, it shall be unlawful for any person to build, construct, install or maintain or permit to be built, constructed, installed or maintained, over, in or on any street, alley or public land any building, fence, porch, steps, gallery, structure or other obstruction. Provided, the following may be permitted as provided in the applicable regulations and subject to such regulations as shall be adopted governing such work:

Downers Grove Municipal Code

(a) Improvements and/or facilities authorized as provided in Chapter 7 of the Downers Grove Municipal Code.

(b) Improvements and/or facilities authorized as permitted commercial activities pursuant to Article IV of this Chapter.

(c) A temporary building or structure may be constructed or placed upon a parkway if a permit therefor has been obtained as provided in Article II of this Chapter.

(d) Structures or appurtenances of a Public Utility or railroad regulated by the Illinois Commerce Commission, to the extent such facilities are approved by the Illinois Commerce Commission and subject to the condition that a permit is obtained as provided in Article II of this Chapter. Provided further, a franchise agreement or license agreement may be required to the extent permitted or authorized under State or federal law.

(e) Poles, wires, mains, pipe conduits or other work or things of any person who is not a Public Utility, subject to the condition that a permit is obtained as provided in Article II of this Chapter. Provided further, a franchise agreement or license agreement may be required to the extent permitted or authorized under State or federal law.

(f) Improvements and/or facilities of the Village, or any other governmental entity as authorized by the Village.

(g) A written encroachment license agreement approved by the Village Manager may be required to be executed by the owner of the property. Fees for filing an encroachment license shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule."

(Ord. 5448, Amended, 02/01/2015; 5077, Amended, 11/01/2012, Scriv Err - Remove ref to DG Appearance Code; Ord. 5132, Amended, 04/20/2010)

Section 19.18. Mailboxes on public rights of way.

All mailboxes placed in Village parkways must be in compliance with all federal guidelines. In addition, the following standards shall be met:

The mailbox shall be mounted on one of the following support structures, which shall be secured firmly in the ground, but may not be permanently fastened to a solid immovable foundation:

- (1) wooden post;
- (2) light gauge hollow cast iron, galvanized steel or painted steel pipe;
- (3) pre-fabricated plastic structure, specifically designed to house a mailbox;
- (4) hollow brick or stone veneer structure constructed of finishing brick or thin stone veneer no more than four inches (4") thick (from outside face to inside face), provided that the support structure shall have dimensions of no more than twenty-four inches (24") by twenty-four inches (24") and shall be no more than sixty-four inches (64") in height (from existing grade). Brick/stone column may rest on a concrete foundation, providing that said foundation does not project more than six inches (6") above existing grade, and the column is not attached to the concrete with any material besides mortar. Column shall not be reinforced, or filled with grout, cement or any other material. Column may be capped with stone or pre-cast concrete, provided that the capstone does not exceed thirty inches (30") by thirty inches (30") and does not extend above the maximum allowable height. Brick/stone veneer mailboxes shall be subject to the terms of a right-of-way encroachment license, which shall be obtained from the Village by the property owner, and the Village shall not be responsible for any damage to the brick/stone structure caused by an act or omission of a Village employee or agent.

(Ord. 5448, Amended, 02/01/2015; Ord. 4512, Amended, 06/03/2003)

Section 19.19. Permits required for work affecting trees and shrubs.

No person may plant, remove, destroy, prune, set out, break, cut, deface or in any way injure or interfere with any tree, shrub, vine or similar plant on any street or alley, or upon property owned or

Downers Grove Municipal Code

maintained by the Village, without first obtaining a permit pursuant to the provisions of Chapter 24.
(Ord. No. 843, § 10; Ord. No. 3263, § 8.)
(Ord. 5448, Amended, 02/01/2015)

Section 19.20. Reserved.

Section 19.21. Reserved.

Section 19.21.1. Depositing of snow on streets and sidewalks prohibited.

It shall be unlawful for any person, other than authorized Village personnel, to:

- a. Plow or otherwise deposit snow or ice on any Village street, sidewalk or right-of-way in such a manner as to decrease the drivable width on any such street, impede the normal routing of pedestrian or vehicular traffic, or significantly hamper Village snow removal efforts.
- b. Plow or otherwise remove snow or ice from private property in such a way as to block the vision of motorists at any intersection, prevent parking at the curb or cover fire hydrants.

(Ord. No. 2361, § 1.)

(Ord. 5448, Amended, 02/01/2015; Ord. 4549, Amended, 11/18/2003)

Section 19.22. Depositing, storing, processing material in streets and parkways.

It shall be unlawful for any person to deposit, process or produce any material including, but not limited to any recreational items, in or on any street or parkway or to store the same, either temporarily or permanently thereon; except, that building materials may be temporarily stored, processed or produced on streets or parkways if a permit therefore has been obtained as provided in the chapter, and except that temporary storage of construction debris may be temporarily stored on streets or parkways in a container provided by a scavenger for removal by such scavenger, if a permit therefor has been obtained as provided in this chapter. (Ord. No. 843, § 6; Ord. No. 3263, § 10.)

(Ord. 4512, Amended, 06/03/2003)

Section 19.22.1. Reserved.

Section 19.22.2. Removal of warnings prohibited.

It shall be unlawful for any person to move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this chapter, except upon permission of the Director of Public Works. (Ord. No. 3263, § 12.)

(Ord. 4512, Amended, 06/03/2003)

Section 19.22.2ART. Article II. Permits

Section 19.23. Permit required.

Except as provided herein, any person desiring to perform or to have performed any of the acts

Downers Grove Municipal Code

covered by this Chapter wherein a permit is required shall secure such a permit in accordance with the rules and regulations set forth in this Article. Provided, the provisions of this Article shall not apply to permits sought or issued pursuant to Article IV (Ord. No. 843, § 17.)
(Ord. 5448, Amended, 02/01/2015)

Section 19.24. Application.

Application for a permit under this Chapter shall be made on such forms as shall be provided by the Director of Public Works. No work shall commence until the Director of Public Works or his/her designee has authorized issuance of a permit therefore and such permit has been issued. For permits issued pursuant to Section 19-19 or any other permit which affects trees or shrubs, or will have an affect on trees or shrubs, in the right-of-way or on Village owned property, the forestry division of the Public Works Department shall review and approve the permit before it is issued.

An application for a permit shall be accompanied by two (2) copies of plans and specifications showing the work to be done, the time required to complete such work and the estimated cost thereof. When the permit is issued, one copy of such plans and specifications shall be returned to the applicant and the other retained by the Director of Public Works. (Ord. No. 843, § 17; Ord. No. 1750, § 1; Ord. No. 3263, § 13.)

(Ord. 5448, Amended, 02/01/2015; Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4512, Amended, 06/03/2003)

Section 19.25. Agreement to accept liability for work performed.

An applicant for a permit shall agree to save the Village, its officers, employees and agents harmless from any and all costs, damages, liabilities and attorneys' fees which may accrue or be claimed to accrue by reason of any work performed under such permit. The acceptance of any permit under this chapter shall constitute such an agreement by the applicant. Every permit authorizing work shall be deemed to be conditioned upon the permittee's acceptance of, and agreement to abide by, the provisions of this chapter. Commencement of the work pursuant to any such permit shall be deemed to be the permittee's acknowledgement and acceptance of the terms of this section whether or not such terms are expressly stated on the permit. (Ord. No. 843, § 17.)

(Ord. 5448, Amended, 02/01/2015)

Section 19.26. Bond required for certain permits.

(a) With each application for a permit under this Chapter, an applicant shall furnish a bond to guarantee faithful performance of the work covered by the permit.

The amount of the bond shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". In lieu of a separate bond for each permit, an applicant anticipating more than one permit application may furnish one bond set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" to cover up to five separate permits. Bonds shall be released in full once all permits are determined to be complete by the Director of Public Works. Partial release shall not be allowed.

In the event that the Director of Public Works shall determine that additional surety in excess of the required amounts, the applicant shall furnish a bond or a commercial bank letter of credit in form and substance approved by the Village Manager and drawn on a bank located within a fifty mile radius of the Village in an amount equal to that determined by the Director of Public Works.

(b) The applicant shall deposit the bond with the Village Treasurer, and such bond so deposited shall be kept in a separate account and shall stand as security for the full and complete performance by the applicant of the work covered by such permit, subject to the following provisions:

(1) If any direct cost to the Village of any loss, damage, work, claim or liability arises out of the breach by the applicant, or any contractor or representative of the applicant, in the performance of the

Downers Grove Municipal Code

applicant's obligations in connection with the work covered by such permit the applicant shall forfeit its bond, and the Village may apply the bond or letter of credit to cover the costs. In addition to utilizing the bond or drawing upon the letter of credit, the Village may take any and all additional actions that may be available to enforce all applicable provisions of the Code and to recover any damages done by the permittee or by any subcontractor of the permittee or by the work. The bond provided is in addition to any other such actions and shall not be construed as a limit on the amount of damages that may be recovered by the Village or on any other remedy or penalty provided by law.

(2) Upon certification by the Director of Public Works of completion of the work covered by such permit, the balance of such bond shall be refunded by the Village Treasurer to the applicant upon request.

(c) If a permit involves a street opening, a separate cash bond shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule", and shall be held for a three (3) year warranty period after acceptance of the work. If, at any point during warranty period, deficiencies are noted in the work associated with said street opening, applicant must correct said deficiencies to the satisfaction of the Director of Public Works. After three (3) years, if no deficiencies exist, the bond may be refunded. If applicant fails to correct any noted deficiencies within fourteen (14) calendar days of being notified by the Village, the bond shall be forfeited and the Village shall have the right to apply the bond proceeds towards the correction of the deficiencies. Any costs above and beyond the bond amount to have the deficiencies corrected will be charged to the applicant. Corrective work within the three (3) year warranty period does not relieve the applicant of the responsibility for any other work done, which may be deemed deficient within the three (3) year period.(Ord. No. 843, § 17; Ord. No. 1440, § 1; Ord. No. 1750, § 2; Ord. No. 3263, § 14.) (Scriv, Amended, 05/12/2016, Scrivener's error "cash" in relation to bonds removed; Ord. 5448, Amended, 02/01/2015; Ord. 4512, Amended, 06/03/2003)

Section 19.27. Insurance required for certain permits.

Each applicant for a permit under this Chapter shall furnish the Village with a satisfactory certificate of insurance or a statement from the administrator of a self-insurance program showing the required coverages, and containing a limitation that the insurance coverage may not be revoked except after ten days written notice delivered to the Village. The applicant's insurance shall provide coverage against claims for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his/her subcontractor or anyone directly or indirectly employed by him. Such insurance shall cover, inter alia, collapse, explosive hazards and underground work by equipment on the street, and shall include liability arising from completed operations. The amount of the liability insurance for personal injury shall be not less than one million dollars (\$1,000,000) per occurrence and shall name the Village of Downers Grove as an additional insured. (Ord. No. 843, § 17; Ord. No. 1750, § 3; Ord. No. 3263, § 15.)

(Ord. 5448, Amended, 02/01/2015; Ord. 4852, Amended, 02/20/2007, his to his/her(s))

Section 19.28. Inspection and Permit Fees.

(a) An applicant for a permit and/or bonds under this Chapter shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule. No permit shall be issued until the required permit fee is paid in full

(b) No permit as required by the Village shall be issued until the fees described above have been paid in full to the Village, nor shall an amendment to the permit be approved until additional fees have been received.

(c) Bonds shall be refunded upon final acceptance of work or completion of restoration work, except the cash bond for any street openings as described in Section 19.26.

(d) Fees and or bonds may be forfeited in the event of non-acceptance of work or if restoration is not completed pursuant to Section 19-45.

(e) If any work does not pass inspection, due to failure by the applicant to comply with the

Downers Grove Municipal Code

requirements of the permit, or if applicant/contractor fails to show up for a scheduled inspection, and more than one subsequent re-inspection visit is required as a result, additional inspection fees shall be charged and must be paid in full prior to scheduling the re-inspection. (Ord. No. 843, §§ 17, 23; Ord. No. 1750, § 4; Ord. No. 3263, § 16.)

(Scriv, Amended, 05/12/2016, Scrivener's erro "cash" in relation to bond removed; Ord. 5448, Amended, 02/01/2015; Ord. 4673, Amended, 05/17/2005; Ord. 4512, Amended, 06/03/2003)

Section 19.30. Rights of the Village not affected by granting of permits.

Every permit issued under this chapter shall be granted subject to the right of the Village or of any other person entitled thereto to use the street for any purpose for which such street may lawfully be used, not inconsistent with the permit. (Ord. No. 843, § 26.)

(Ord. 4512, Amended, 06/03/2003)

Section 19.31. Work to be commenced within thirty days.

Work for which a permit has been issued shall commence within thirty days after the issuance of the permit therefore or within such extended period of time as determined by the Director of Public Works upon good cause shown. If the work is not so commenced, the permit shall automatically be terminated and the fee forfeited. Permits thus terminated may be renewed upon the payment of an additional fee in the amount of the original fee. (Ord. No. 843, § 20; Ord. No. 3263, § 18.)

(Ord. 4512, Amended, 06/03/2003)

Section 19.32. Performance of additional work.

No permittee under this chapter shall perform work in an amount or quantity greater than that specified in the permit except upon approval by the Director of Public Works. Upon such approval, additional work may be done under the provisions of the permit in an amount not greater than ten percent of the amount specified by the permit. Any fee or bond posted in connection with the original permit shall be deemed to and must cover any such additional work as may be approved by the Director of Public Works pursuant to this section. (Ord. No. 843, § 19; Ord. No. 1750, § 6; Ord. No. 3263, § 19.)

(Ord. 4512, Amended, 06/03/2003)

Section 19.33. Display of permit.

A copy of the permit issued under this Chapter and a copy of the approved plans and specifications shall be kept and displayed at all times while such work is in progress at the location of the work. (Ord. No. 843, § 18.)

Section 19.34. Nontransferability.

Permits issued under authority of this Chapter are nontransferable. (Ord. No. 843, § 21.)

Section 19.35. Expiration; extension of time.

Permits issued in accordance with the provisions of this Chapter shall expire at the end of the period of time which shall be set out in the application for the permit. If the permittee shall be unable to complete the work within the time period, he shall, prior to the expiration of the permit, present in writing to the Director of Public Works a request for an extension of time, setting forth therein the reasons for the requested extension. If in the opinion of the Director of Public Works such an extension is necessary and

Downers Grove Municipal Code

not contrary to the public interest, he/she may grant the permittee additional time for completion of the work.

(a) All extensions of permit time shall be calculated at twenty-five percent (25%) of the original total permit fee and shall extend the life of the permit for an additional six (6) month period.

(b) One hundred percent (100%) of a permit fee shall be added if work is started without a permit.

(c) No fees shall be refunded after a permit has been issued. (Ord. No. 843, § 22; Ord. No. 1750, § 1; Ord. No. 3263, § 19.)

(Ord. 5448, Amended, 02/01/2015; Ord. 4512, Amended, 06/03/2003)

Section 19.36. Default in performance.

Whenever the Director of Public Works shall find that a default has occurred in the performance of any term or condition of a permit, written notice thereof shall be given to the permittee and to the commercial bank issuing a letter of credit, if any. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Director of Public Works to be necessary for the completion of such work. After receipt of such notice, the permittee or the commercial bank shall within the time therein specified either cause the required work to be performed. If the required work is not performed within the specified time, the cash bond or letter of credit shall be utilized to reimburse the Village for the cost of doing the work set forth in the notice.(Ord. No. 843, § 28; Ord. No. 1750, § 1; Ord. No. 3263, § 20.)

(Ord. 5448, Amended, 02/01/2015; Ord. 4512, Amended, 06/03/2003)

Section 19.37. Revocation.

Any permit may be revoked by the Director of Public Works after prior written notice to the permittee for:

(a) Violation of any provision of this Chapter.

(b) Violation of any other applicable provision of this Code or any other ordinance or law relating to the work.

(c) Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or property of others.

Written notice of any such violation shall be served upon the permittee or his/her agent engaged in the work. The notice shall contain a brief statement for the reason of the contemplated revocation of the permit. Notice shall be given either by personal delivery thereof to the person to be notified, by certified or registered United States mail addressed to the person to be notified. Such notice shall state the period of time which the permittee is being granted to correct the violation and to proceed with diligent prosecution of the work, which time shall be no less than twenty-four (24) hours. (Ord. No. 843, § 27; Ord. No. 1750, § 1; Ord. No. 3263, § 21.)

(Ord. 5448, Amended, 02/01/2015; Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4512, Amended, 06/03/2003)

Section 19.38. Restoration of street by Village.

When any permit has been revoked and the work authorized by the permit has not been completed, the Village may do such work as is necessary to restore the street or alley to a condition acceptable to the Village. All expenses incurred by the Village for such restoration shall be paid by the permittee and may be recovered from the cash bond or letter of credit that the permittee has filed with the Village, and the bond or letter of credit shall so provide. (Ord. No. 843, § 27; Ord. No. 3263, § 22.)

(Ord. 4512, Amended, 06/03/2003)

Section 19.39. Abandoned facilities.

Whenever any facilities existing in the streets or alleys of the Village have been abandoned by their owners, the owner of such facilities shall be notified of the requirement to remove them, and if the owners shall fail to so remove them, the Village may remove them and the owners shall reimburse the Village for the cost thereof. Notice of the Village's order to remove abandoned facilities may be given either by personal delivery thereof to the person to be notified, or by certified or registered United States mail addressed to the person to be notified. For purposes of this section abandoned facilities shall be defined to be facilities not permitted, facilities which have not been utilized by the owner or any other person for a period of at least six (6) months, or facilities which are no longer necessary or useful because they have been replaced in some other location on the property. (Ord. No. 843, § 29; Ord. No. 3263, § 23.) (Ord. 5448, Amended, 02/01/2015)

Section 19.39ART. Article III. Street Openings

Section 19.40. Permit required; compliance with chapter.

Any person desiring to plow, dig, scrape or in any way make or have made any hole, pit, ditch or excavation in or upon any street, alley, parkway or public land shall proceed with such work only after obtaining a permit therefore and in compliance with all regulations contained in or promulgated under this Chapter including the Village of Downers Grove Standards for the Construction of Facilities on the Public Rights-of-Way (copies of which may be obtained at the Public Works Department and the Community Development Department. The Downers Grove Fire Department shall be notified of the issuance of such permit. (Ord. No. 843, § 15.) (4801, Amended, 08/01/2006, "code services" to "community development"; Ord. 4710, Amended, 10/04/2005; Ord. 4512, Amended, 06/03/2003)

Section 19.41. Notice to adjoining property owners of proposed work.

If the work to be undertaken by a permittee under this article is such that it will affect the use of properties abutting or adjoining the place where the work covered by the permit is to be done, the Director of Public Works shall require the permittee to submit a list of the names and addresses of the affected property owners and tenants, and the permittee shall notify the affected property owners and tenants of the proposed work. If the work to be undertaken by the permittee will affect other subsurface installations in the vicinity of the proposed opening, the permittee shall also notify the owners of such facilities of the proposed work. (Ord. No. 843, § 30; Ord. No. 1750, § 1.) (Ord. 4512, Amended, 06/03/2003)

Section 19.43. Removal of debris, rubbish, etc., from work area; protection of persons and property.

It shall be the duty of every person making any improvement in or upon any street, alley, parkway or public land to promptly remove therefrom all rubbish, debris or material not immediately required for such improvement. In addition thereto, such person shall protect the place so improved or being improved, together with all material, articles or property used in connection therewith or taken therefrom, in a manner which the Village shall direct and in such a way as to prevent injury or damage to persons or property. Every such person making any such improvements or part thereof shall be liable for all damages or injuries sustained to public property. (Ord. No. 843, § 15.)

Downers Grove Municipal Code

Section 19.44. Requirements for work in streets, etc.

All work in streets, alleys, parkways and public lands shall be subject to the following restrictions:

(a) No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored. Streets shall remain open to traffic at all times. Flaggers shall be used as necessary. No street shall be closed or detoured without written permission from the Director of Public Works

(b) No more than two hundred fifty feet (250') measured longitudinally shall be opened in any street at any one time.

(c) All underground pipes, tiles, cables, etc., shall be located sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit relocation if necessary.

(d) Pipes, drains, tiles, culverts or other underground facilities encountered shall be protected as directed by the Director of Public Works .

(e) Monuments, bench marks or datum points of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point within the Village, shall not be removed or disturbed unless permission to do so is first obtained in writing from the proper governmental authority. Permission may be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement thereof, including the cost of a survey.

(f) When work performed by the permittee interferes with any established drainage system or natural water way, provision shall be made by the permittee for adequate temporary drainage to the satisfaction of the Director of Public Works and consistent with the provisions of Chapter 26 of this Code.

(g) When any earth, gravel or other excavated material is caused to roll or flow or is washed or otherwise deposited on any street or sidewalk, the permittee shall cause the same to be removed from the street or sidewalk before the end of the working day. In the event the earth, gravel or other excavated material so deposited is not so removed, the Director of Public Works shall cause such removal and the cost incurred thereby shall be paid by the permittee. Failure on the part of the permittee to make immediate payment of such cost upon demand shall be cause for revoking such permit.

(h) Every permittee shall place around the excavation or project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Director of Public Works to be necessary for the protection of the public. Additional safety requirements may be prescribed by the Director of Public Works where deemed necessary by him to protect adjacent private or public property. Whenever any person fails to provide or maintain the safety devices required by the Director of Public Works, such devices may be installed and maintained by the Village. The amount of the cost thus incurred shall be paid by the permittee.

(i) When any work is performed on Village streets, the permittee must comply with the Downers Grove Traffic Control Procedures, copies of which are available at the Department of Public Works and the Department of Community Development. In the event proper traffic control is lacking or deficient, and is not corrected within one (1) hour upon notice, the Director of Public Works may stop work and/or revoke the permit.

(j) Access to private driveways and alleys shall be provided except during working hours when construction operations prohibit such access. Access to private drives and alleys shall not be restricted without a minimum of forty-eight (48) hours notice to all users of said facilities. Free access shall be provided at all times to fire hydrants.

(k) Excavated materials shall be laid compactly along the side of the trench or removed immediately from the site at the discretion of the Director of Public Works. Excavated material when piled alongside the excavation shall be kept trimmed so as to cause a minimum of inconvenience to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the Director of Public Works may require the permittee to provide and use toe boards or bins. If the excavated area or storage area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the Director of Public Works. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep open a passageway at least one-half of the sidewalk width along such sidewalk. If a clear zone of forty-eight inches (48") cannot be maintained the sidewalk shall be closed and an accessible detour route established as approved by the Director of Public

Downers Grove Municipal Code

Works. A permittee performing any work involving the laying, repairing or disruption of any pavement on a street, sidewalk or other public place or making any excavation or opening in the same shall maintain suitable barricades to prevent injury of any person or vehicle by reason of such work. All such barricades shall be protected by suitable lights at nighttime. Any defect in any pavement shall be barricaded to prevent injury.

(l) Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless the permittee obtains written consent from the Director of Public Works to do the work at other times. Such permission shall be granted only: (1) in case of emergency as determined by the Director of Public Works; (2) where safety and traffic control measures in accordance with Village and Illinois Department of Transportation standards are not feasible during these hours as determined by the Director of Public Works; (3) if the construction area is not within five hundred (500) feet of any single or multi-family dwelling as determined by the Director of Public Works; (4) or for Village work or activities where the Village Manager determines that extended hours of work are necessary to complete the work in a timely fashion and to protect the public health, welfare and safety. The decision of the Village Manager or Director of Public Works shall be final as to the validity of an alleged emergency or the feasibility of safety or traffic control measures. Any permit granted under this section may include other conditions on the permittee's ability to work after 7:00 p.m. and on Sundays which conditions are determined to be necessary or convenient for the public health, welfare and safety. (Ord. No. 843, § 15; Ord. No. 1750, § 1; Ord. No. 3263, § 25.)

(Ord. 5448, Amended, 02/01/2015; 4801, Amended, 08/01/2006, "code services" to "community development"; Ord. 4512, Amended, 06/03/2003)

Section 19.45. Backfilling and restoring of openings.

All backfilling and restoring of openings made in any street, alley, parkway or public lands shall be performed in accordance with the latest specifications of the Village of Downers Grove or as by the Director of Public Works and the following requirements:

(a) All pavement cuts, openings and excavations shall be backfilled in accordance with Downers Grove specifications. The permittee shall, notwithstanding settlement, maintain the upper limit of such temporary surface even with the adjacent surface until such time as the permanent surface is installed as provided in this chapter. The permittee shall give the Director of Public Works at least twenty-four (24) hours notice before beginning backfilling.

(b) All pavement cuts, openings and excavations must be temporarily surfaced with portland cement concrete, hot mix asphalt or cold patch by the permittee within ten (10) days of initial disruption. If restoration work is not commenced within ten (10) days, the Director of Public Works may revoke the permit after giving the permittee advance warning in writing of his/her intention to do so. Such notice may be given either by personal delivery thereof to the person to be notified, or by certified or registered United States mail addressed to the person to be notified. Such notice shall state the period of time being granted to complete the work, after which the Village may complete it and charge the cost thereof to the permittee and/or deduct the costs of repair from any bonds submitted.

(c) All permanent restoration must be completed within thirty (30) days of initial disruption, except when opening repair work is performed between December 15 and April 15. If permanent restoration work for any street openings, excavations, damaged or disturbed areas is not completed within thirty (30) days, the Director of Public Works may revoke the permit after giving the permittee advance warning in writing of his/her intention to do so. Such notice may be given either by personal delivery thereof to the person to be notified, or by certified or registered United States mail addressed to the person to be notified. Such notice shall state the period of time being granted to complete the work, after which the Village may complete it and charge the cost thereof to the permittee.

(d) If in the judgment of the Director of Public Works the surfaces or underlying strata adjacent to the excavation are damaged or disturbed through the actions of the permittee, the Director of Public Works may require that the permittee take all steps necessary to restore all such damage or disturbance at the permittee's expense. In the event such damage or disturbance cannot immediately be restored, the

Downers Grove Municipal Code

permittee may be required by the Director of Public Works to deposit funds to insure such restoration.

(e) Once excavation is commenced, the same shall be concluded, backfilled and fully restored within ten (10) days. If in the opinion of the Director of Public Works the work is not properly performed, he may revoke the permit after giving the permittee advance warning in writing of his/her intention to do so. Such notice may be given either by personal delivery thereof to the person to be notified, or by certified or registered United States mail addressed to the person to be notified. Such notice shall state the period of time being granted to complete the work, after which the Village may complete it and charge the cost thereof to the permittee and/or deduct the costs of repair from any bonds submitted.

(f) Upon completion of all work covered by the permit, the permittee shall request final inspection by the Director of Public Works. A certificate of final inspection shall be issued by the Director of Public Works to each permittee after the permanent restoration of the excavation has been made, provided all provisions of this chapter have been complied with.

(g) If any settlement takes place or other defect appears in the restored area within a period of three years from the date of the certificate of final inspection, proper restoration shall be made by the permittee at his/her own expense; failure of the permittee to perform such restoration shall be cause for the Village to perform such work and recover the cost thereof from the permittee or from his/her bond.

(h) In no case shall any opening made by a permittee be considered the responsibility of the Village, or any of its officers or employees; and no officer or employee shall assume any responsibility over any such opening except in the exercise of the police power, and then only when necessary to protect life and property.

(Ord. No. 843, § 16; Ord. No. 1750, § 1; Ord. No. 3263, § 26.)

(Ord. 5448, Amended, 02/01/2015; Ord. 4852, Amended, 02/20/2007, his to his/her(s); Ord. 4512, Amended, 06/03/2003)

Section 19.46. Temporary Permit.

The Director of Public Works may grant a temporary verbal permit to any agent (who is not a regular employee) of the Village, Sanitary District, School Districts or Park District for any excavation in any street, alley, parkway or public land where such excavation is necessitated by an emergency. Such temporary permit shall be followed within forty-eight hours by a formal application for a permit as regularly required under the terms of this chapter. (Ord. No. 843, § 24; Ord. No. 870, § 1; Ord. No. 1750, §§ 1, 7; Ord. No. 3263, § 27.)

(Ord. 4512, Amended, 06/03/2003)

Section 19.46ART. Article IV. Commercial Use and Improvements

Section 19.47. Reserved.

(Ord. 5068, Amended, 08/04/2009)

Section 19.48. Ice cream vendors.

Motor vehicles, traditionally referred to as ice cream trucks, used to sell ice cream and other related frozen products to the public may be permitted to operate on public streets subject to the following conditions:

1) Ice cream trucks shall not operate within the DB Downtown Business or DC Downtown Core Districts as defined in the Comprehensive Zoning Ordinance.

Downers Grove Municipal Code

2) No sales shall be made from an ice cream truck when the truck is less than fifty (50) feet from the nearest intersecting road, street or highway.

3) No sales shall be made from an ice cream truck within five-hundred (500) feet of the property line of any elementary or secondary school when that school is in session and one (1) hour prior to the school session and one (1) hour after the school session.

4) When an ice cream truck is stopped upon a public street for the purpose of making a sale it shall operate its emergency flashing lights and shall not broadcast any music or other sounds.

5) All sales from the ice cream truck shall occur on the side of the vehicle nearest the street curb.

(Ord. 5717, Amended, 10/16/2018; Ord. 4679, Amended, 06/07/2005)

Section 19.49. Reserved.

(Ord. 5068, Amended, 08/04/2009; Ord. 4679, Amended, 06/07/2005; Ord. 4669, Amended, 05/03/2005)

Section 19.50. Reserved.

(Ord. 5068, Amended, 08/04/2009; Ord. 4669, Amended, 05/03/2005)