

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Public Works Department      **DATE:** June 3, 2003  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ **FILE REF:** \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE AMENDING CHAPTER 19 OF THE DOWNERS GROVE MUNICIPAL CODE", as presented.



**SUMMARY OF ITEM:**

Adoption of the attached ordinance will make certain omnibus changes to Chapter 19 of the Municipal Code which deals with the Public Works Department, specifically streets and sidewalks.

**RECORD OF ACTION TAKEN:**

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 19 OF  
THE DOWNERS GROVE MUNICIPAL CODE**

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Chapter 19 of the Downers Grove Municipal Code is hereby amended as follows:

**19-3. Definition.**

Wherever the term "~~Director of pPublic wWorks~~" is used in this Chapter, it shall refer to the ~~Director of pPublic wWorks~~ or his designee.

**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 ~~Director of pPublic wWorks~~ 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.)

**19-9. Emergency during snow storm—When to exist.**

An emergency is declared to exist within the Village whenever snow falls to a depth of three inches or more during any period of twenty-four hours or less. Such emergency shall continue to exist for a period of forty-eight hours or until such earlier time as snowplowing and removal operations have been declared completed by the ~~Director of pPublic wWorks~~. (Ord. No. 843, § 13.)

**19-14. Access to streets and alleys; permit required; improvements.**

No person shall construct any access across a parkway to improved or unimproved street within the Village without first obtaining a permit to do so from the ~~Director of pPublic wWorks~~. This permit shall 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 as follows by the person seeking access in accordance with Village specifications approved by the ~~Director of pPublic wWorks~~:

(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.

(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 pPublic wWorks~~, 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) Storm drainage shall be constructed along the street or streets to which access is sought to the limits of the property and connected to the nearest existing storm drainage in that street or streets. If the nearest paved portion of the street or streets is improved with storm sewers, then storm sewers shall be installed.

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

(c) No person shall construct any access to an alley within the Village without first obtaining a permit to do so from the ~~e~~Director of ~~p~~Public ~~w~~Works. This permit shall be issued if the following requirements are met:

(1) Pavement ~~consisting of two inches of asphalt and ten inches of stone~~ shall be constructed in accordance with Downers Grove construction specifications and to the width of any existing improved alley, or if none of the alley is improved, to the limits of the alley right of way, along the alley to which access is sought to the limits of the property and beyond to the nearest paved portion of the alley.

(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 ~~e~~Director of ~~p~~Public ~~w~~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 property to the center line of the right of way and the limits of his 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.

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. (Ord. No. 2295, § 1; Ord. No. 2962, § 2; Ord. No. 3263, § 5; Ord. No. 3288, § 1.)

#### **19-14.1. Certain construction activities; sidewalk improvements required.**

(a) No person shall ~~construct any building~~ improve any parcel within the Village, except for accessory buildings and reconstruction or remodeling of or additions to existing buildings in any single-family or two-family residential zoning district, without first obtaining a sidewalk permit from the ~~e~~Director of ~~p~~Public ~~w~~Works.

(b) No person shall construct any building, except for accessory buildings and reconstruction or remodeling of existing buildings, or additions to existing buildings which amount to less than twenty-five percent of the gross floor area of such building, in any zoning district in the Village other than single-family and two-family districts, without first obtaining a sidewalk permit from the ~~e~~Director of ~~p~~Public ~~w~~Works.

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

(1) If any street abutting the property on which such construction is to occur is depicted on the map or schedule on file in the ~~p~~Public ~~w~~Works ~~e~~Department of the Village as a street on which sidewalk construction is to be required, sidewalks shall be constructed along the entire street frontage of such parcel; in the case of a corner lot, the sidewalk shall be constructed along the access side.

(2) If any street abutting the property on which such construction is to occur is not depicted on the map or schedule on file in the ~~p~~Public ~~w~~Works ~~e~~Department of the Village as a street on

which sidewalk construction is required, the property owner shall pay a fee equal to the cost to the Village per square foot for construction of the sidewalk abutting the property, as such fee is determined annually by the ~~Village Engineer~~ Director of Public Works. Such fees shall be utilized by the Village for construction of sidewalks as provided in paragraph (d) hereof.

(d) The Village shall establish four accounts for sidewalk construction to be utilized only for construction of new sidewalks in the Village. One account shall be for construction of new sidewalks in the northwest quadrant of the Village, west of Main Street and of Highland Avenue, north of 39th Street, and north of the Burlington-Northern Santa Fe railroad tracks; one account shall be for construction of new sidewalks in the northeast quadrant of the Village, east of Main Street and of Highland Avenue, north of 39th Street, and north of the Burlington-Northern Santa Fe railroad tracks; one account shall be used for construction of new sidewalks in the southwest quadrant of the Village west of Main Street, and south of the Burlington-Northern Santa Fe railroad tracks; and, one account shall be for construction of new sidewalks in the southeast quadrant of the Village, east of Main Street, and south of the Burlington-Northern Santa Fe railroad tracks.

(e) The ~~Village Engineer~~ Director of Public Works shall prepare and update annually a map or schedule of streets or portions of streets on which construction of sidewalks is to be required. In addition, the ~~Director of Public Works~~ shall administer the requirements of this ordinance and determine the streets or portions thereof on which sidewalk construction is to be required, pursuant to Village Council policy with respect thereto. Such policy shall be on file in the office of the Village Clerk and, together with the annually revised map or schedule, shall also be on file for public inspection in the ~~Public Works~~ Department of the Village.

(f) Any person aggrieved by any decision of the ~~Director of Public Works~~ regarding construction of sidewalks abutting such person's property may appeal the decision within thirty days of the date thereof to the Plan Commission which shall hear and decide such appeal. Application for such appeal shall be in writing, accompanied by a one hundred dollar (\$100.00) application fee. The Plan Commission 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 Plan Commission 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.)

#### **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 ~~Director of Public Works~~. (Ord. No. 2195, § 1; Ord. No. 3263, § 6.)

#### **19-18. ~~Reserved~~ Mailboxes on public rights of way.**

All mailboxes placed in Village parkways must be in compliance with all federal guidelines. The Village shall not be responsible for damage caused during snow removal to mailboxes not in compliance with federal guidelines.

#### **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.)

#### **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 dDirector of pPublic wWorks. (Ord. No. 3263, § 12.)

#### **19-24. Application.**

Application for a permit under this chapter shall be made on such forms as shall be provided by the dDirector of pPublic wWorks. No work shall commence until the dDirector of pPublic wWorks or his 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 right-of-way or on Village owned property, the forestry division of the pPublic wWorks dDepartment shall review and approve the permit before it is issued.

An application for a permit shall be accompanied by two 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 dDirector of pPublic wWorks. (Ord. No. 843, § 17; Ord. No. 1750, § 1; Ord. No. 3263, § 13.)

#### **19-26. PerformanceCash bond required for certain permits.**

With each application for a permit under Sections 19-14, 19-15, 19-17, 19-18 and 19-40, an applicant shall furnish a cash performance-bond to guarantee faithful performance of the work covered by the permit.

The amount of the cash bond shall be not less than that specified in the schedule of Section 19-28. In lieu of a separate cash bond for each permit, an applicant anticipating more than one permit application may furnish one cash bond in the amount of ~~one~~ five thousand dollars (~~\$5,000.00~~) to cover all permits.

The applicant shall deposit the cash 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:

(a) ~~The actual direct or indirect~~ If any direct cost to the Village of any loss, damage, work, claim or liability arising out of the breach by the applicant, or any contractor or representative of the applicant, in the performance of the applicant's obligations in connection with the work covered by such permit ~~shall be charged against and deducted from such cash bond upon written certification of such cost by the director of public works~~ the applicant shall forfeit its bond.

(b) Upon certification by the dDirector of pPublic wWorks of completion of the work covered by such permit, the balance of such cash bond, ~~after making any deductions therefrom authorized by paragraph (a) of this section,~~ shall be refunded by the Village Treasurer to the applicant upon request.

(c) In the event that the dDirector of pPublic wWorks shall determine that additional ~~surety~~ bond in excess of ~~one~~ five thousand dollars (~~\$5,000.00~~) is required, the applicant shall furnish a cash 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, ~~or a performance bond issued by a surety authorized to do business in the state of Illinois,~~ in an amount equal to that determined by the dDirector of pPublic wWorks. If a ~~surety bond or~~ letter of credit is provided, it shall be dated on or before the date

of permit application and shall be for a term to expire one year after receipt by the permittee of a certificate of final inspection. (Ord. No. 843, § 17; Ord. No. 1440, § 1; Ord. No. 1750, § 2; Ord. No. 3263, § 14.)

**19-28. Inspection and Permit Fees.**

(a) An applicant for a permit under this chapter shall pay a permit fee in the amount specified in the following schedule. No permit shall be issued until the required permit fee is paid in full

*Schedule of fees*

<u>Type of Work</u>	<u>Permit Fee</u>	<u>Bond*</u>
Bituminous Driveway approach (Black Top)	<del>\$15.00</del> \$45.00	<del>\$ 200.00</del> \$400.00
P.C.C. Driveway approach (Concrete)	\$45.00	\$600.00
New Curb and gutter removal and replacement	<del>10.00</del> \$45.00	<del>15.00</del> \$30.00 per lineal foot
Curb and gutter (Typical curb cut)	\$45.00	\$200.00
Public walk	<del>No fee</del> \$45.00	<del>15.00</del> \$25.00 per lineal foot
Street opening removal and replacement		
1-50 sq. feet	<del>20.00</del> \$45.00	<del>200.00</del> \$400.00
51-100 sq. feet	<del>30.00</del> —\$60.00	1,000.00
101 sq. feet plus	<del>30.00</del> 10% of the estimated cost	<del>1,000.00</del> \$5,000.00 plus a bond equal to 100% of the estimated value of the work in excess of \$4,000.00
Connection to storm sewer where street opening is not required	<del>No fee</del> \$130.00	<del>25.00</del> \$200.00
Tree planting	\$30.00	\$0.00
Tree Bonding Protection	<del>No fee</del>	<del>\$25.00</del>
0-9" diameter	\$30.00	\$300.00
9-24" diameter	\$30.00	\$500.00
24"+	\$30.00	\$700.00
Temporary access across a parkway (including lawn irrigation systems, dumpsters, etc.)	<del>No fee</del> \$30.00	<del>50.00</del> \$200.00
Other work in right of way	<del>No fee</del>	<del>100.00</del> or \$5.00 per square yard of affected area, whichever

(including storage in roadway)		is greater
1-50 Sq. Feet	\$45.00	\$200.00
50-100 Sq. Feet	\$60.00	\$500.00
100+ Sq. Feet	10% of the estimated cost	\$1,000 plus bond equal to 100% of the estimated value of work in excess of \$5,000.00

\*Cash bond refunded upon final acceptance of work and/or restoration. Maximum cash bond for any one person or company holding more than one permit concurrently is \$45,000.00.

- (b) No permit as required by Public Works 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) Cash bond shall be refunded upon final acceptance of work or completion of restoration work.
- (d) Fees and or cash bond may be forfeited in the event of non-acceptance of work or if restoration is not completed pursuant to Section 19-45.

(Ord. No. 843, §§ 17, 23; Ord. No. 1750, § 4; Ord. No. 3263, § 16.)

**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.)

**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.)

**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.)

**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 not contrary to the public interest, he 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 when a permit has lapsed after work is started. When a permit is revoked at the request of the permittee prior to lapsing due to time limits, and no work has been done, all but a basic fee of twenty-five dollars (\$25.00) to cover the cost incurred by the Public Works Department shall be refunded. (Ord. No. 843, § 22; Ord. No. 1750, § 1; Ord. No. 3263, § 19.)

#### **19-36. Default in performance.**

Whenever the ~~e~~Director of ~~p~~Public ~~w~~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 surety on the bond or 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 ~~e~~Director of ~~p~~Public ~~w~~Works to be necessary for the completion of such work. After receipt of such notice, the permittee, ~~or the commercial bank, or the surety~~ shall within the time therein specified either cause the required work to be performed, or failing therein, ~~the cash bond, performance bond or~~ If the required work is not performed within the specified time, ~~the cash bond or~~ letter of credit shall be utilized to ~~indemnify~~ 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.)

#### **19-37. Revocation.**

Any permit may be revoked by the ~~e~~Director of ~~p~~Public ~~w~~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 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, or by telegram 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 hours. (Ord. No. 843, § 27; Ord. No. 1750, § 1; Ord. No. 3263, § 21.)

#### **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, ~~performance 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.)

#### **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 therefor 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 Code Services Department. (Ord. No. 843, § 15.)

**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.)

**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.

(b) No more than two hundred fifty feet 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 so to do 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 the established drainage system of any street 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 Code Services. In the event proper traffic control is lacking or deficient, and is not corrected within 1 hour upon notice, the Director of Public Works may stop work and revoke the permit.

(h) Access to private driveways and alleys shall be provided except during working hours when construction operations prohibit such access. Free access shall be provided at all times to fire hydrants.

(i) 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.

(j) 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 inspection officer 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 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. ~~The permittee must also obtain a waiver from the noise regulations pursuant to Section 15-5.1 of this Code.~~ (Ord No. 843, § 15; Ord. No. 1750, § 1; Ord. No. 3263, § 25.)

#### 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 and the following requirements:

(a) All pavement cuts, openings and excavations shall be backfilled in accordance with Downers Grove specifications with coarse stone aggregate Grade CA-6 and temporarily surfaced by the permittee using one inch gravel screenings in a layer at least eight inches thick having its upper surface even with the adjacent surface. 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 twelve (12) hours notice before beginning backfilling.

(b) All pavement cuts, openings and excavations must be temporarily surfaced by the permittee within ten (10) days. 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 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.

(c) All permanent restoration must be completed within thirty (30) days, 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 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.

~~(b) The permittee shall give the director of public works at least twelve hours notice before beginning of backfilling.~~

~~(c) The work of permanent restoration of base and surface of all streets, alleys, parkways or public lands shall be performed in accordance with the latest specifications of the division of highways of the state.~~

(d) If in the judgment of the ~~e~~Director of ~~p~~Public ~~w~~Works the surfaces or underlying strata adjacent to the excavation are damaged or disturbed through the actions of the permittee, the inspection officer 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 permittee may be required by the ~~e~~Director of ~~p~~Public ~~w~~Works to deposit funds to insure such restoration.

~~(e) Once excavation is commenced, the same shall be concluded, and backfilled and fully restored within ten (10) days with due diligence. If in the opinion of the eDirector of pPublic wWorks the work is not thus properly performed, he may revoke the permit after giving the permittee advance warning in writing of his 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, or by telegram 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.~~

(f) Upon completion of all work covered by the permit, the permittee shall request final inspection by the ~~e~~Director of ~~p~~Public ~~w~~Works. A certificate of final inspection shall be issued by the ~~e~~Director of ~~p~~Public ~~w~~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 one three years from the date of the certificate of final inspection, proper restoration shall be made by the permittee at his 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 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.)

#### **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 ~~v~~Village, ~~s~~Sanitary ~~d~~District, ~~s~~School ~~d~~Districts or ~~p~~Park ~~d~~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.)

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_

Mayor

Passed:

Published:

Attest:

\_\_\_\_\_

Village Clerk

[ch19omn]