

ORDINANCE NO. 6205

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 97
OF THE LOMBARD VILLAGE CODE IN REGARD
TO STREET OPENINGS, EXCAVATIONS AND
CONSTRUCTION ACTIVITIES IN THE RIGHT-OF-WAY**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title 9, Chapter 97, Section 97.055(J) of the Lombard Village Code is amended by adding new subsections (9), (10) and (11) thereto, which shall read in their entirety as follows:

“(9) The Director of Public Works shall establish and maintain a schedule of administrative fees and charges for inspections, labor, material, and such other expenses as may be incurred by the Village in meeting the requirements of this Section 97.055. In developing this schedule, the Director of Public Works shall be guided by prevailing costs in the area of labor, materials, and equipment. The Director of Public Works shall revise the schedule of administrative fees and charges periodically to reflect any increases or decreases in the administrative fees or charges used to establish said schedule. The schedule of administrative fees and charges shall be open to public inspection in the office of the Director of Public Works, upon demand.

(10) The Director of Public Works shall determine the administrative fees and charges for any work done or repairs made by him or under his direction pursuant to the provisions of this Section 97.055. In developing this schedule, the Director of Public Works shall be guided by prevailing costs in the area of labor, materials, and equipment. The Director of Public Works shall revise the schedule of administrative fees and charges periodically to reflect any increases or decreases in the administrative fees or charges used to establish said schedule. The schedule of administrative fees and charges shall be open to public inspection in the office of the Director of Public Works, upon demand.

(11) If the amount of the Security Fund is less than sufficient to pay all costs, the permittee shall, upon demand, pay to the Village the amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the Village may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no

additional permits or certificates of occupancy shall be issued to such permittee for any projects within the Village.”

SECTION 2: That Title 9, Chapter 97, Section 97.055(K) of the Lombard Village Code is amended by adding a new subsection (6) thereto, which shall read in its entirety as follows:

“(6) When any permit has been revoked and the work authorized by the permit has not been completed, the Director of Public Works shall do such work as may be necessary to restore the public right-of-way or part thereof to as good a condition as before the opening was made. All administrative fees and expenses thereby incurred by the Village shall be recovered from the Security Fund of the permittee as made or filed with the Village.”

SECTION 3: That Title 9, Chapter 97, Section 97.055(P)(4)(c) of the Lombard Village Code is amended to read in its entirety as follows:

“(c) Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between the hours of 7:00 a.m. and 4:30 p.m. on Saturday, with no work on Sunday, unless the permittee obtains written consent from the Director of Public Works to do the work during alternate hours, upon a showing of why it is not possible to do the work during the authorized hours.”

SECTION 4: That Title 9, Chapter 97, Section 97.055(P)(4) of the Lombard Village Code is amended by adding a new subsection (d) thereto, which shall read in its entirety as follows:

“(d) Access to private driveways shall be provided except during working hours when construction operation prohibits provision of such access. When access to a private driveway will be obstructed, the permittee shall notify the affected property owner/building occupant a minimum of twenty-four (24) hours prior to any such obstruction occurring. Free access must be provided at all times to fire hydrants. Where multiple driveways exist, such as service stations, not more than one (1) driveway shall be closed at any one time.”

SECTION 5: That Title 9, Chapter 97, Section 97.055(P) of the Lombard Village Code is amended by adding new subsections (6), (7) and (8) thereto, which shall read in their entirety as follows:

“(6) Whenever work is not actively being performed in the opening, including but not limited to overnight, the permittee must either backfill the opening or cover the opening with a steel plate ramped on both sides with asphalt in the direction of traffic. A temporary asphalt surface shall be provided by the permittee if work ceases for three (3) days or more. Proper signage shall be provided by the permittee until final restoration, to warn motorists of the roadway condition. It shall be the obligation of the permittee to properly maintain any temporary restoration as provided for by this subsection. In the event that the permittee fails to do so, and the Village is required to perform said maintenance, the costs associated therewith, as provided for in the schedules referenced in Sections 97.055(J)(9) and (10) of this Code, shall be charged against the Security Fund of the permittee.

(7) The Village’s Public Works Department shall make such inspections as deemed necessary of all work authorized by a permit. The Village’s Public Works Department is empowered to provide a full-time inspector, if necessary, to ensure compliance with the provisions of this Section 97.055.

(8) All inspection costs shall be borne by the permittee. Such costs shall be based on a schedule of administrative fees and charges now on file at the Village’s Public Works Department.”

SECTION 6: That Title 9, Chapter 97, Section 97.055(S) of the Lombard Village Code is amended by labeling the current language of this subsection as subsection (1), and adding a new subsection (2) thereto, which will read in its entirety as follows:

“(2) The work of final restoration including both paving surface and paving base shall be performed directly by the permittee in accordance with the requirements of the Village’s Public Works Department within two (2) weeks of the completion of work in the opening or by the permit expiration date, whichever occurs first, unless winter weather conditions delay such permanent restoration. When winter weather conditions delay such permanent restoration, the pavement shall be temporarily surfaced with asphalt with the permanent restoration to take place as soon as

weather permits, but in no event later than ten (10) days from a notice from the Director of Public Works to do so.”

SECTION 7: That Title 9, Chapter 97 of the Lombard Village Code is amended by adding new Section 97.056 thereto, which shall read in its entirety as follows:

“§97.056 CONSTRUCTION ACTIVITY IN THE RIGHT-OF-WAY OTHER THAN THE CONSTRUCTION OF A FACILITY AS DEFINED BY SECTION 97.055 OF THIS CODE.

The provisions of Sections 97.055(B), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (Q), (S), (U) and (V) of this Code shall be applicable to any construction work, street openings or excavation in the right-of-way which does not include the construction of a “facility” (as defined by Section 97.055(B)(28) of this Code), subject to the permit fee, as set forth in Section 97.055(D)(6), being fifty and no/100 dollars (\$50.00). Any person desiring to proceed with any such construction work, street openings and/or excavation in the right-of-way shall comply with the aforementioned provisions of this Code, as amended.”

SECTION 8: That the schedule of administrative fees and charges, attached hereto as EXHIBIT A and made part hereof, as prepared by the Director of Public Works, is hereby established and approved as the schedule of administrative fees and charges as referenced in Sections 97.055(J)(9), 97.055(J)(10) and 97.055(P)(8) of the Lombard Village Code.

SECTION 9: That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

Passed on first reading this 5th day of June, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.


Passed on second reading this 19th day of June, 2008, pursuant to a roll call vote as follows:

AYES: Trustees Gron, Tross, O’Brien, Moreau, Fitzpatrick & Soderstrom

NAYS: None

ABSENT: None

APPROVED by me this 19th day of June, 2008.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 24th day of June, 2008.


Brigitte O'Brien, Village

EXHIBIT A

Schedule of Administrative Fees and Charges

Schedule of Administrative Fees and Charges

Permit Fee: \$50.00

Renewal of Permit:

Utilizing existing, approved plans: \$25.00

Utilizing revised or new plans: \$50.00

Security Fund: Determined based on extent of disturbed area and risk to facilities in the area

Inspection Costs:

Inspector (includes vehicle): \$40.00 per hour
Minimum charge is 1 hour per trip.

Material testing and inspection (typically performed by a consultant to the Village): \$250 administrative Fee + Costs incurred
Cost includes labor, materials and equipment to perform the work

Work performed by the Village (may be performed by a contractor under contract with the Village):
Initial Incident: \$500 Administrative Fee + Costs incurred
Cost includes labor, materials and equipment to perform the work

Repeat Call Out : \$1000 Administrative Fee + Costs incurred
Cost includes labor, materials and equipment to perform the work