

ORDINANCE NO. 6046A

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 97,
SECTION 97.012 OF THE LOMBARD VILLAGE CODE RELATIVE TO LOCATING
OF ABOVE GROUND UTILITY CABINETS WITHIN PUBLIC RIGHTS OF WAY**

WHEREAS, the Village of Lombard maintains a Code of Ordinances, which is found in the Code of Lombard, Illinois; and,

WHEREAS, Title 9, Chapter 97 of the Code of Lombard, Illinois includes provisions regulating the public rights of way within the Village; and,

WHEREAS, the Board of Trustees deems it reasonable to periodically review said Code and make necessary changes pertaining to said Code; and

WHEREAS, the Village deems it to be necessary and appropriate to establish reasonable regulations pertaining to the placement of Above Ground Utility Cabinets within public rights of way within the Village; and

WHEREAS, the regulations set forth herein are intended to meet the Village goal of ensuring that the placement of such structures are located in a manner that provides for the health, safety and welfare of the general public; and

WHEREAS, the regulations set forth herein are also intended to minimize the visual impact of the structures on neighboring properties within the Village.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 9, Chapter 97 of the Lombard Village Code is hereby amended to add Section 97.012, to read in its entirety as follows:

97.012 ABOVE GROUND UTILITY CABINETS

Above Ground Utility Cabinets, as defined in Section 155.802 of this Code, shall be permitted in the public right-of-way under the following conditions:

- (A) The Above Ground Utility Cabinet shall be located no less than three hundred (300) linear feet from any other Above Ground Utility Cabinet. Notwithstanding the foregoing, the owner of the proposed Above Ground Utility Cabinet can show that utility service cannot be provided if compliance with the foregoing distance

restriction is required, a shorter distance, sufficient to allow the provision of utility service, shall be allowed.

- (B) Above Ground Utility Cabinets shall be located no less than twenty (20) feet from any residential driveway, no less than thirty (30) feet from any non-residential driveway and no less than thirty (30) feet from the pavement of intersecting public or private streets. Traffic signal and street light cabinets shall be exempt from the provisions set forth in this subsection, but only to the extent that compliance herewith is not possible.
- (C) Existing franchise agreements, to the extent they have provisions to the contrary in them, supersede these regulations set forth above. Additionally, regulations established by the Federal Communications Commission (FCC) shall also supersede the regulations set forth above.

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this 17th day of May, 2007.

First reading waived by action of the Board of Trustees this ____ day of _____, 2007.


Passed on second reading this 7th day of June, 2007.

Ayes: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick & Soderstrom

Nays: None

Absent: None

Approved by me this 7th day of June, 2007.



William J. Mueller, Village President

ATTEST:

Ordinance No. 6046A

Re: Amending Title 9, Chapter 97, Section 97.012

Page 3


Bridget O'Brien, Village Clerk

Published by me in pamphlet form this 13th day of June, 2007.


Bridget O'Brien, Village Clerk

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