

ORDINANCE NO. 6581

**AN ORDINANCE AMENDING TITLE 15, CHAPTER 150, SECTIONS 150.144
AND 150.145 OF THE LOMBARD VILLAGE CODE IN REGARD TO BONDS
FOR PROTECTION OF PUBLIC PROPERTY**

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

SECTION 1: That Title 15, Chapter 150, Section 150.144, DEPOSIT REQUIRED FOR PROTECTION OF PUBLIC PROPERTIES, of the Lombard Village Code is hereby amended to read in its entirety as follows:

§ 150.144 DEPOSIT REQUIRED FOR PROTECTION OF PUBLIC PROPERTIES.

(A) The applicant requesting a permit to build a ~~one or two family dwelling~~ new principal structure or undertaking work within the public right of way not covered under Section 150.145, shall be required to place on deposit the amount of ~~\$1,000.00~~ set forth in Section 150.141 as part of the building permit which will ~~insure~~ ensure public right-of way restoration, such as sidewalks, curbs, ~~and parkways~~ landscaping and other parkway improvements. This requirement shall not be required for permits to repair or replace existing driveways or sidewalks.

(B) Upon ~~final inspection, and after an unconditional non-temporary occupancy permit has been issued as regulated by Section 150.246, or after both where required~~ completion of work within the public right of way and inspection approval by the Village, a refund of the deposit referenced in subsection (A) above shall be issued by the Village to the person, firm or corporation making said deposit, provided that all portions of the public right-of-way, and appurtenances thereto have been restored to the Village's satisfaction. Construction deposits under this section shall be retained until the requirements of Subsection 150.152(D) have been met.

(C) (1) When any earth, gravel, or other material is caused to roll, flow, or wash upon any street, the person causing or having responsibility for causing, the earth and like material to be placed or rest on the street, shall cause the same to be removed from the street within 24 hours after deposit, unless said deposit is of sufficient quantity or such a nature that would cause either a safety hazard or a spreading problem beyond which would

be considered reasonable as determined by the Community Development Director or his/her designee. In that event the earth, gravel, or other material shall be removed immediately. In the event it is not, the Village Manager or his/her designee shall cause to remove said dirt, gravel, or other material and the person causing said earth, gravel, or other materials to be placed or allowing it to be placed on the street shall be billed for the cost of removal or such.

(2) If the person causing or allowing the earth, gravel, or other material to rest upon any street, is a permittee, for example, an individual who has a permit from the village, the cost of such by the village may be deducted from any type of miscellaneous deposit said permittee has. Any violation of this section shall be as provided in division (D) of this section.

(D) Failure to restore said public right-of-way shall place the entire deposit in default, plus any amount required over the deposited amount to restore the public way shall be recorded as a lien against the property.

~~(E) The applicant for other than one and two family dwellings shall be required to place on deposit the sum of \$1,000 as part of the permit to insure public property as described in division (A) above. Construction deposits under this section shall be retained until the requirements of § 150.152(D) have been complied with.~~

SECTION 2: That Title 15, Chapter 150, Section 150.145, WATER AND SEWER REPAIR DEPOSITS, of the Lombard Village Code is hereby amended to read in its entirety as follows:

§ 150.145 SEWER AND WATER REPAIR DEPOSITS.

A deposit of \$100 250 shall be required for restoration of parkway and sidewalks for sewer and water service repairs of residential property. A deposit of \$500 shall be required for restoration of parkway and sidewalks for sewer and water service repairs of nonresidential property. If it is necessary to open parkway on the opposite side of the street, an additional \$100 250 will be deposited.

SECTION 3: 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 20th day of January, 2011.

First reading waived by action of the Board of Trustees this ____ day of _____, 2011.


Passed on second reading this 3rd day of February, 2011, pursuant to a roll call vote as follows:

Ayes: Trustees Gron, Giagnorio, Wilson, Moreau, Fitzpatrick and Ware

Nays: None

Absent: None

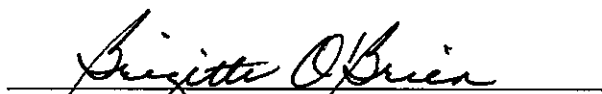
Approved by me this 3rd day of February, 2011.


William J. Mueller, Village President

ATTEST:


Brigitte O'Brien, Village Clerk

Published in pamphlet from this 4th day of February, 2011.


Brigitte O'Brien,
Village Clerk