

ORDINANCE NO. 2024- 02

**AN OMNIBUS ORDINANCE AMENDING VARIOUS CHAPTERS OF THE MUNICIPAL CODE,
VILLAGE OF STICKNEY, ILLINOIS REGARDING PUBLIC WORKS**

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of Village residents; and

WHEREAS, the Director of Public Works (the “Director”) has numerous responsibilities for the care and maintenance of the Village; and

WHEREAS, currently, the Municipal Code of the Village of Stickney (the “Village Code”) utilizes the title Village Supervisor for many of the duties and obligations which the Director performs; and

WHEREAS, the Corporate Authorities find it necessary for the efficient operation of the Village to reassign certain duties and obligations of the Village Supervisor to the Director or other Village officials and staff as appropriate; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to adopt the amendments to the Village Code as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend those Chapters and Sections of the Village Code which refer to the Village Supervisor and to assign those duties and obligations to the Director or other Village officials and staff as appropriate, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.
OMNIBUS AMENDMENT TO THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

SECTION 3.0. Omnibus Amendment.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by revising the following Sections of the Village Code as set forth herein.

Sec. 2-142. - Appointment.

All village officers other than elective officers shall be appointed by the president with the advice and consent of the board of trustees. All village employees shall, in the absence of any provision to the contrary, be hired by the office of the Mayor ~~village supervisor~~.

DIVISION 5. - ~~VILLAGE SUPERVISOR~~ DIRECTOR OF PUBLIC WORKS

Sec. 2-251. - Office created; appointment.

There is hereby created the office of ~~village supervisor~~ director of public works, an executive office of the village. The ~~village supervisor~~ director of public works shall be appointed by the president with the advice and consent of the board of trustees.

Sec. 2-252. - Functions generally.

(a) The ~~village supervisor~~ director of public works shall have charge of the construction and care of all public streets, alleys, and driveways in the village, and with the keeping of the same clean. He shall see to it that all gutters and drains therein function properly and that the same are kept free from defects.

(b) The ~~village supervisor~~ director of public works shall have charge and custody of sanitary and storm sewer systems of the village and shall see that the same are kept in good repair and that they function properly.

(c) The ~~village supervisor~~ director of public works shall supervise the lighting of the public streets and alleys, and shall keep the lighting system in efficient operation and good repair.

(d) The ~~village supervisor~~ director of public works shall have charge of the care, functioning and maintenance of the village waterworks, and water distribution system.

(e) ~~The village supervisor shall be ex-officio building official and electrical inspector until and unless separate offices are created to provide for such functions. Omitted.~~

(f) The ~~village supervisor~~ director of public works shall be the custodian of all property of the village which is not assigned to the care or custody of any other officer.

Sec. 2-253. - Control over village employees.

All officers or employees assigned to the department of ~~the village supervisor~~ public works shall perform their duties subject to the orders and under the supervision of the ~~village supervisor~~ director of public works.

Sec. 18-145. - Permits.

(a) *Required.* It shall be unlawful to install or alter any electrical equipment or wiring without having first obtained a permit therefor. Applications for such permits shall be made in writing to the clerk, and shall be referred by him to the building inspector ~~village supervisor~~. Each such application shall contain the name of the owner of the premises to be served, the name of the contractor doing the work, and the nature of the work to be done; where the work consists of new installation or extensive repairs or alterations, plans and specifications of the work shall accompany the application.

(b) *Inspection fees.* The fee for inspections shall be paid in advance and shall be as provided for in section 18-103. Where section 18-103 is silent, the inspection fee shall be \$75.00.

Sec. 18-146. - Certificate of approval.

It shall be unlawful to use or turn power into any wires or apparatus hereafter installed for which a certificate of approval has not been issued by the building inspector ~~village supervisor~~. The ~~village supervisor~~ building inspector shall issue a certificate of approval to the owner or person in charge of the premises which he has inspected if he finds that the electrical apparatus and wiring therein fully comply with the ordinances of the village.

Sec. 18-147. - Stop work orders.

The ~~village supervisor~~ building inspector shall have the power to order all work stopped on construction or alteration or repair of buildings in the village when such work is being done in violation of any provision of any ordinance relating thereto. Work shall not be resumed after the issuance of such an order except on the written permission of the inspector; provided, however, that if the stop work order is an oral one, it shall be followed by a written stop work order within an hour. Such written stop work order may be served by any police officer.

Sec. 22-543. - Trees on public property.

No landscaper shall trim or spray any tree on any public parkway or other property owned or controlled by the village without permission of the director of public works ~~village supervisor~~.

Sec. 22-582. - Supervision of work.

Upon the issuance of the permit required by this article, all cleaning, removal, encapsulating, enclosing, hauling or disposal of any asbestos material shall be subject to the inspection of the ~~village supervisor~~ building inspector and shall be performed in accordance with the Illinois

Asbestos Abatement Act, 105 ILCS 105/1 et seq., and the Asbestos Hazard Emergency Response Act, 105 ILCS 105/12, and the rules and regulations issued by the state department of public health and the EPA, pursuant to such acts.

Sec. 22-602. - Application.

Application for the permit required by section 22-601 shall be made by such owner or his agent to the building inspector ~~village supervisor~~, who shall issue such permit upon such application and payment of the fee as provided for in section 22-603. Such application shall state the nature and location of the building structure containing asbestos and the owner thereof and shall include the name of all asbestos workers to be employed, and show proof of their licensing under the requirements of the state department of public health.

Sec. 22-604. - Investigation of authenticity of application information.

The ~~village supervisor~~ building inspector is hereby authorized to investigate all information contained within the application for a permit in order to ascertain its authenticity.

Sec. 22-605. - Issuance.

If after due investigation and consideration of the information contained within the application the ~~village supervisor~~ building inspector finds the application to be completed according to the requirements of this article, he shall issue a permit as defined in section 22-601.

Sec. 42-293. - Permit required.

No person shall construct or operate a boiler or an industrial furnace which burns, may burn, or is intended to burn hazardous waste without having first obtained a hazardous waste burning permit from the building inspector ~~village supervisor~~.

Sec. 42-294. - Application for permit.

Application for a hazardous waste burning permit shall be made by the owner of the property on which the proposed boiler or industrial furnace is to be situated to the building inspector ~~village supervisor~~ on a form furnished for that purpose. Each application shall bear the name and address of the owner or developer of the facility and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee of \$25,000.00. Each application shall include certification that the construction and operation of the boiler or industrial furnace shall be in accordance with the plans approved upon issuance of the permit.

Sec. 42-296. - Review and approval.

The ~~village supervisor~~ building inspector shall review, or cause the review of, each application for a hazardous waste burning permit to determine its conformance with the provisions of this

article. Within 180 days after receiving an application, building inspector ~~village supervisor~~ shall in writing:

- (1) Approve the permit application if it is found to be in conformance with the provisions of this article, and issue the permit;
- (2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this article; or
- (3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

Sec. 42-297. - Appeals.

The applicant or any resident of the village may appeal the decision of the building inspector ~~village supervisor~~ regarding an application for a hazardous waste burning permit to the president and the board of trustees of the village.

Sec. 42-298. - Standard for issuance of a permit.

No hazardous waste burning permit shall be issued unless the applicant submits plans, drawings, report and other material sufficient to demonstrate conformance with the following specifications:

- (1) The proposed boiler or industrial furnace shall meet all requirements and standards of 40 CFR 264 applicable to incinerators.
- (2) All waste, fuel, feed or storage tanks associated with the proposed boiler or industrial furnace shall meet all requirements and standards of 40 CFR 264 applicable to tanks.
- (3) The proposed boiler or industrial furnace shall be equipped with instruments and controls for the continuous, automated monitoring of the following:
 - a. Waste feed rate;
 - b. Combustion chamber gas temperature;
 - c. Fluidized bed temperature, if applicable;
 - d. Fluidized bed pressure drop, if applicable;
 - e. Steam flow;
 - f. Quench water flow;
 - g. Stack gas oxygen concentration;

- h. Stack gas sulfur dioxide concentration;
- i. Stack gas carbon monoxide concentration;
- j. Stack gas total hydrocarbon concentration;
- k. Stack gas velocity;
- l. Opacity; and
- m. Such additional instrumentation and controls as required to:
 - 1. Ensure safe and proper operation of the system in strict compliance with all applicable performance and emission standards; and
 - 2. Detect the release of any known or suspected toxic substance into the environment.

(4) Monitoring of the operations of the proposed boiler or industrial furnace and any associated tanks shall be in conformance with requirements of 40 CFR 264. The village shall be the recipient of all reports, notices, or other communications otherwise required to be made to the United States Environmental Protection Agency Regional Administrator or other designated regulatory authorities by 40 CFR 264.

(5) The proposed boiler or industrial furnace shall include instrumentation and controls, which shall be integrated with the instrumentation and controls specified above in subsection (3) of this section, sufficient to cause the immediate automatic shutdown of the device if any of the following conditions occur:

- a. Low combustion gas temperature;
- b. Low fluidized bed pressure drop, if applicable;
- c. High fluidized bed pressure drop, if applicable;
- d. Oxygen concentration low;
- e. Carbon monoxide concentration high;
- f. Total hydrocarbon concentration high;
- g. Stack gas velocity low or high;
- h. ID fan motor failure;
- i. Opacity high; or
- j. Violation of any applicable air emission standard or the detection of the release of any known or suspected toxic substance into the environment.

(6) The proposed boiler or industrial furnace shall be equipped with a computer data logging system which will sample and record one unit averages of all the variables in subsection (3) of this section and time period of the occurrence of any event listed in subsection (5) of this section. The computer system shall be capable of producing computer readable files of the recorded data and daily summary reports of hourly operation and abnormal operating event in a format acceptable to the village.

(7) A representative sample of each batch of materials used as fuel in the proposed boiler or industrial furnace which contain hazardous wastes, in whole or in part, shall be analyzed for the following parameters in accordance with the corresponding test method:

Parameter	Method
Density (API gravity)	ASTM D-287
Viscosity	ASTM D-1545 ASTM D-445
Heating value	ASTM D-240 ASTM D-2015
Water content	EPA 160.3
Ash	ASTM D-482
Total sulfur	ASTM D-129
Total chloride	ASTM D-808
Total organic halides	SW-846 9020
Volatiles and POHC	EPA 624 SW-846 8240
Flashpoint	SW-846 1010
Heavy Metals	
Chromium	SW-846 7191
Zinc	SW-846 7950
Arsenic	SW-846 7060
Barium	SW-846 7080
Selenium	SW-846 7740
Lead	SW-846 7421
Cadmium	SW-846 7131
Silver	SW-846 7760
Mercury	SW-846 7470

All test results shall be maintained for a period of five years and shall be available for inspection and copying by the ~~village supervisor~~ building inspector or his designated representative.

(8) The operator of the proposed boiler or industrial furnace shall be required to conduct semiannual stack tests in substantial conformance with the requirements and procedures of the initial trial burn plan approved by the village.

(9) The ash produced by the proposed boiler or industrial furnace shall be considered a "hazardous waste" unless delisted or excluded in accordance with the requirements and procedures of 40 CFR 261.

Sec. 42-299. - Stop work order; revocation of permit; other penalties.

(a) If any person holding a hazardous waste burning permit pursuant to this article violates the terms of the permit, or operates the boiler or industrial furnace in such a manner as to materially and adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the facility or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the ~~village supervisor~~ building inspector may suspend or revoke the hazardous waste burning permit.

(b) Suspension of a hazardous waste burning permit shall be by written stop work order issued by the ~~village supervisor~~ building inspector and delivered to the permittee or his agent or the person operating the facility. The stop work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop work order shall remain in effect until the next regularly scheduled meeting of the president and board of trustees of the village at which time the conditions of subsection (c) of this section can be met.

(c) No hazardous waste burning permit shall be permanently suspended or revoked until a hearing is held by the president and board of trustees of the village. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

- (1) The grounds for complaint or reasons for suspension;
- (2) The date, time and place where such hearing will be held.

Such notice shall be served on the permittee at least five days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing, the president and board of trustees of the village shall determine whether the permit shall be suspended or revoked.

(d) In addition to any action authorized in subsections (a) through (c) of this section, any person who shall violate a provision of this article or who shall fail to comply with the terms of the hazardous waste burning permit shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment not exceeding 30 days or both fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Sec. 42-404. - Notice to abate.

(a) *Generally.* Whenever a nuisance is found to exist within the village, the director of public works, building inspector ~~village supervisor~~, health officer, police or fire inspector shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

(b) *Contents.* The notice to abate a nuisance issued under the provisions of this article shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.
- (2) The location of the nuisance, if the nuisance is stationary.
- (3) A description of what constitutes the nuisance.
- (4) A statement of acts necessary to abate the nuisance.
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the county will abate such nuisance and assess the cost thereof against such person.

(c) *Service.* The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Sec. 42-432. - Notice to remove.

Upon notification by the building inspector ~~village supervisor~~, health officer, police or fire inspector, the owner of property upon which graffiti has been illegally placed shall remove the graffiti within five days of the date of notice. Failure to remove the graffiti within the specified time shall cause the summary abatement of this nuisance as prescribed in section 42-405, and costs shall be assessed to the owner. The penalty upon conviction for the offense of failure to remove graffiti shall be a fine of not less than \$100.00 nor more than \$750.00 for each offense. Each day such failure shall continue shall be considered a separate offense, and fines shall be assessed accordingly.

Sec. 70-33. - Littering.

(a) It shall be unlawful for any person to deposit anywhere in the village any uncovered pile of refuse, offal, or the carcass of any dead animal. Any such uncovered pile of refuse, offal or carcass of any dead animal is hereby declared to be a nuisance.

(b) No person shall place any refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the village except in proper containers for collection or under express approval granted by the director of public works ~~village supervisor~~. No person shall throw or deposit any refuse in any stream or other body of water. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited.

(c) No person shall cast, place, sweep, or deposit anywhere within the village any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied, or unoccupied premises within the village.

Sec. 74-1. - Supervision.

All public streets, alleys, sidewalks and other public ways shall be under the supervision of the director of public works ~~village supervisor~~. He shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all ordinance provisions relating to such public places, except traffic ordinances.

Sec. 74-2. - Reporting defects.

It shall be the duty of every village officer or employee becoming cognizant of any defect in any street, alley or sidewalk, or any obstruction thereof, to report the same to the director of public works ~~village supervisor~~ as soon as possible.

Sec. 74-4. - Obstructions generally.

It shall be unlawful for any person to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specifically authorized by ordinance or by the director of public works ~~village supervisor~~.

Sec. 74-9. - Openings or stairways.

It shall be unlawful to construct or maintain any opening or stairway in any public street or sidewalk or alley without a permit from the board of trustees. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, to the approval of the director of public works ~~village supervisor~~.

Sec. 74-121. - Supervision by ~~city~~ Village; advance notice to be given before refilling.

The ~~village supervisor~~ director of public works shall from time to time inspect all excavations and tunnels made in or under any public street, alley or other public place in the village to see to the enforcement of the provisions of this article. Notice shall be given to him at least ten hours before the work of refilling any such excavation or tunnel commences.

Sec. 74-125. - Manner of excavating.

(a) Proper bracing shall be maintained to prevent the collapse of adjoining ground at the site of an excavation. The excavation shall not have any portion below the surface which extends beyond the opening of the surface.

(b) No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels and notice shall be given to the ~~village supervisor~~ director of public works when such pipe, conduits or cables are or may be endangered or affected by the making of any such excavation or tunnel before

(c) No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

Sec. 74-127. - Pavement removal and replacement.

(a) Any person making an excavation or tunnel in or under any public street, alley or public place in the village shall restore the surface as follows:

- (1) The perimeter of the pavement patch shall be cut with a concrete saw.
- (2) Trench backfill shall be grade CA-6 coarse aggregate compacted to a minimum of 95 percent by jetting or other approved manner.
- (3) Any bracing in such tunnel or excavation shall be left in the ground.
- (4) Pavement shall be replaced with the same type of material and same thickness as was used in the original construction. Materials shall meet or exceed the current specifications of the state department of transportation. All Portland cement concrete shall be class X. All bituminous concrete shall be class I. All aggregate shall be grade CA-6.
- (5) All disturbed pavement markings shall be replaced in kind.

(b) Any opening in a paved or improved portion of a street shall be repaired and surface relaid by the applicant in compliance with the ordinances and subject to the supervision of director of public works ~~the village supervisor~~, and in addition, a deposit or bond in the amount of \$500.00 shall be paid by such person to ensure proper completion of such restoration.

Sec. 74-129. - Public right-of-way permits.

(a) Fees for street, alley and parkway openings are as follows:

- (1) Street and alley openings\$50.00
Plus bond and \$350.00 restoration deposit.
- (2) Parkway openings35.00
Plus bond and \$250.00 restoration deposit.

(b) Fees for driveway, sidewalk and curb openings are as follows:

- Basic fee50.00
Plus bond, license and \$250.00 restoration deposit.

(c) Fees for street or sidewalk obstruction are as follows:

- (1) Per day per 25 feet or less5.00

(2) Per month per 25 feet155.00

(3) Bond restoration deposit and fee deposit, based on the work involved to be determined by the ~~village supervisor~~ director of public works at time of permit application to be paid for by applicant.

Sec. 74-161. - Supervision of maintenance and erection.

The ~~village supervisor~~ director of public works shall supervise the maintenance and erection of all benches regulated under the provisions of this article.

Sec. 74-272. - Notification of village.

(a) No person shall use the public streets and sidewalks for parades, processions or marches, pedestrian or vehicular, or a combination thereof, in conflict with any of the traffic ordinances, laws or regulations of the village, whereby normal pedestrian or vehicular traffic may be impeded, hindered or obstructed, except upon notification in writing to the ~~village supervisor~~ director of public works not less than 48 hours nor more than 30 days before the parade, procession or march and include in such notification the following information:

(1) The name, address and telephone number of the person, planning such a parade, procession or march, responsible for its conduct.

(2) The commencement time of the parade, procession or march; the composition of the parade, procession or march; the specific route to be traveled; the starting point and the termination point.

(3) The approximate number of persons, animals and vehicles expected to participate in such parade, procession or march, together with a description of the type of animals and vehicles involved.

(b) Upon receipt of such notification described in subsection (a) of this section, the ~~village supervisor~~ director of public works or his designated agent shall furnish to the person making such notification a written acknowledgment of receipt of such notification.

(c) If notification shows that the parade, procession or march will unreasonably interfere with the rights of others to use the streets and sidewalks with respect to time, route or composition, the ~~village supervisor~~ director of public works shall direct that the plan for the parade, procession or march shall be appropriately adjusted, with the provision that such change in plan shall be delivered to the person or group notifying the ~~village supervisor~~ director of public works at least 24 hours prior to the proposed beginning time of the parade, procession or march.

(d) If the ~~village supervisor~~ director of public works receives notification of more than one parade, procession or march to be held on the same date, he may route each of such parades, processions or marches so that they will not conflict with each other. The first notice shall have priority over later notices.

Sec. 86-41. - Turning on water service.

(a) No water from the village water supply shall be turned on for service into any premises by any persons but the ~~village supervisor~~ director of public works or some other person authorized by him to perform this service.

(b) An application to have water turned on shall be made to the village ~~clerk~~ and shall contain an agreement by the applicant to abide by and accept all of the provisions of this chapter as conditions governing the use of the village water supply by the applicant.

(c) No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the village; provided, however, that water may be turned on for construction purposes in unfinished buildings, subject to the provisions of this article.

Sec. 86-42. - Connections with water mains.

No connection with a water main shall be made without a permit being issued and 24 hours' notice having been given to the director of public works ~~village supervisor~~. All such connections shall be made under the supervision of the director of public works ~~village supervisor~~, and no connections shall be covered until the work has been inspected by him. Applications for such connections must be made to the village ~~clerk~~.

Sec. 86-71. - Generally.

All water service pipes from the main to the premises to be served shall be installed by, and at the cost of the owner of the property to be served or the applicant for service. Such installations shall be under the supervision of the director of public works ~~village supervisor~~. All water service pipes from the main to the meter shall not be less than one inch in size. Only copper pipes or tubing shall be used to connect the meter with the main. All fittings and connections shall be uniform and comply with specifications established by the board of trustees. All service pipes shall be buried at least 4½ feet deep in the ground.

Sec. 86-103. - Reading meters.

The ~~village supervisor~~ director of public works shall read or cause to be read every water meter used in the village at such times as are necessary that the bills may be sent out at the proper time.

Sec. 86-200. - Separate systems for sanitary and storm sewers.

(a) Complete separation required for new construction. Complete separation of sanitary and storm sewers shall be provided for all new construction. This requirement applies even in combined sewer areas, in order to facilitate disconnection of the storm water service from the combined sewer, if a storm sewer should become available.

(1) In separate sewer areas, the building sanitary sewer service shall be connected directly to the public sanitary sewer and the site's stormwater sewer service shall be connected directly to the public storm sewer.

(2) In combined sewer areas, the building sanitary sewer service and the site's stormwater sewer service shall be independently connected to the combined sewer system. Where practical, stormwater inflow to the combined sewer shall be designed to delay and restrict inflow to the combined sewer system, subject to the approval of the director of public works ~~village supervisor~~. If public storm sewer should become available, the property owner must disconnect the site's stormwater sewer service from the combined sewer system and connect to the public storm sewer within one year of notice.

(b) Necessary modifications for minimization of inflow. The combined sewer overflow ("CSO") impacts on non-domestic inflow sources that are tributary to the combined sewer system shall be minimized. The terms of this Article III of Chapter 86 of the Stickney Village Code of Ordinances shall be modified as needed from time to time in order to control pollutants in these discharges.

Sec. 86-252. Definitions.

As used in this article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.

AASHTO. American Association of State Highway and Transportation Officials.

ANSI. American National Standards Institute.

Applicant. A person applying for a permit under this article.

ASTM. American Society for Testing and Materials.

Backfill. The methods or materials for replacing excavated material in a trench or pit.

Bore or boring. To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

Cable operator. That term as defined in 47 U.S.C. 522(5).

Cable service. That term as defined in 47 U.S.C. 522(6).

Cable system. That term as defined in 47 U.S.C. 522(7).

Carrier pipe. The pipe enclosing the liquid, gas or slurry to be transported.

Casing. A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

Clear zone. The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

Coating. Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

Code. The Municipal Code of the Village of Stickney.

Conductor. Wire carrying electrical current.

Conduit. A casing or encasement for wires or cables.

Construction or construct. The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

Cover. The depth of earth or backfill over buried utility pipe or conductor.

Crossing facility. A facility that crosses one or more right-of-way lines of a right-of-way.

Director of public works. The director of public works of the Village of Stickney.

Disrupt the right-of-way. For the purposes of this article, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

Emergency. Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

Encasement. Provision of a protective casing.

Equipment. Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

Excavation. The making of a hole or cavity by removing material, or laying bare by digging.

Extra heavy pipe. Pipe meeting ASTM standards for this pipe designation.

Facility. All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this article. For purposes of this article, the term "facility" shall not include any facility owned or operated by the village.

Freestanding facility. A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

Frontage road. Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

Hazardous materials. Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the director of public works ~~village supervisor~~ to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

Highway Code. The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

Highway. A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

Holder. A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

IDOT. Illinois Department of Transportation.

ICC. Illinois Commerce Commission.

Jacking. Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

Jetting. Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

Joint use. The use of pole lines, trenches or other facilities by two or more utilities.

J.U.L.I.E.. The Joint Utility Locating Information for Excavators utility notification program.

Major intersection. The intersection of two or more major arterial highways.

Occupancy. The presence of facilities on, over or under right-of-way.

Parallel facility. A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

Parkway. Any portion of the right-of-way not improved by street or sidewalk.

Pavement cut. The removal of an area of pavement for access to facility or for the construction of a facility.

Permittee. That entity to which a permit has been issued pursuant to sections 86-254 and 86-255 herein.

Practicable. That which is performable, feasible or possible, rather than that which is simply convenient.

Pressure. The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

Petroleum products pipelines. Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

Prompt. That which is done within a period of time specified by the village. If no time period is specified, the period shall be 30 days.

Public entity. A legal entity that constitutes or is part of the government, whether at local, state or federal level.

Restoration. The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

Right-of-way or rights-of-way. Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the village has the right and authority to authorize, regulate or permit the location of facilities other than those of the village. "Right-of-way" or "rights-of-way" shall not include any real or personal village property that is not specifically described in the previous two

sentences and shall not include village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

Roadway. That part of the highway that includes the pavement and shoulders.

Sale of telecommunications at retail. The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

Security fund. That amount of security required pursuant to section 86-260.

Shoulder. A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

Sound engineering judgment. A decision(s) consistent with generally accepted engineering principles, practices and experience.

Telecommunications. This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

Telecommunications provider. Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

Telecommunications retailer. Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

Trench. A relatively narrow open excavation for the installation of an underground facility.

Utility. The individual or entity owning or operating any facility as defined in this article.

Vent. A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

Video service. That term as defined in section 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

Village. The Village of Stickney.

~~*Village supervisor.* The Village Supervisor of the Village of Stickney~~

Water lines. Pipelines carrying raw or potable water.

Wet boring. Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

Sec. 86-253. Annual registration required.

Every utility that occupies right-of-way within the village shall register on January 1 of each year with the ~~director of public works~~ village supervisor, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in section 86-258 herein, in the form of a certificate of insurance.

Sec. 86-254. Permit required; applications and fees.

- (a) *Permit required.* No person shall construct (as defined in this article) any facility on, over, above, along, upon, under, across, or within any village right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this article), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the ~~director of public works~~ village supervisor and obtaining a permit from the village therefor, except as otherwise provided in this article. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.
- (b) *Permit application.* All applications for permits pursuant to this article shall be filed on a form provided by the village and shall be filed in such number of duplicate copies as the village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.
- (c) *Minimum general application requirements.* The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:
 - (1) The utility's name and address and telephone and telecopy numbers;
 - (2) The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;
 - (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
 - (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
 - (5) Evidence that the utility has placed on file with the village:

- a. A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - b. An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the village finds that additional information or assurances are needed;
- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
 - (7) Evidence of insurance as required in section 86-258 of this article;
 - (8) Evidence of posting of the security fund as required in section 86-260 of this article;
 - (9) Any request for a variance from one or more provisions of this article (see section 86-271); and
 - (10) Such additional information as may be reasonably required by the village.
- (d) *Supplemental application requirements for specific types of utilities.* In addition to the requirements of subsection (c) above, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:
 - (1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
 - (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
 - (3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
 - (4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Metropolitan Water Reclamation District, have been satisfied; or
 - (5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
 - (e) *Applicant's duty to update information.* Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the village within 30 days after the change necessitating the amendment.

- (f) *Application fees.* Unless otherwise provided by franchise, license, similar agreement, or law, all applications for permits pursuant to this article shall be accompanied by a fee in an amount equal to that charged to incumbent cable operators, and if not such fee was charged, the fee shall not to exceed the actual, direct costs incurred by the village in issuing and processing the application and permit. No application fee is required to be paid by (1) any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act; or (2) any telecommunications provider that is paying a simplified municipal telecommunications tax exceeding five percent.

Sec. 86-255. Action on permit applications.

- (a) *Village review of permit applications.* Completed permit applications, containing all required documentation, shall be examined by the director of public works ~~village supervisor~~ within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the director of public works ~~village supervisor~~ shall reject such application in writing, stating the reasons therefor. If the director of public works ~~village supervisor~~ is satisfied that the proposed work conforms to the requirements of this article and applicable ordinances, codes, laws, rules, and regulations, the director of public works ~~village supervisor~~ shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the director of public works ~~village supervisor~~, that the construction proposed under the application shall be in full compliance with the requirements of this article.
- (b) *Additional village review of applications of telecommunications retailers.*
- (1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the village that it intends to commence work governed by this article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the village not less than ten days prior to the commencement of work requiring no excavation and not less than 30 days prior to the commencement of work requiring excavation. The director of public works ~~village supervisor~~ shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.
 - (2) In the event that the director of public works ~~village supervisor~~ fails to provide such specification of location to the telecommunications retailer within either (i) ten days after service of notice to the village by the telecommunications retailer in the case of work not involving excavation for new construction or (ii) 25 days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this article.
 - (3) Upon the provision of such specification by the village, where a permit is required for work pursuant to section 86-254 of this article the telecommunications retailer shall submit to the village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection (a) above.
- (c) *Additional village review of applications of holders of state authorization under the Cable and Video Competition Law of 2007.* Applications by a utility that is a holder of a state-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted

45 days after submission to the village, unless otherwise acted upon by the village, provided the holder has complied with applicable village codes, ordinances, and regulations.

Sec. 86-260. Security.

- (a) *Purpose.* The permittee shall establish a security fund in a form and in an amount as set forth in this section. The security fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The security fund shall serve as security for:
- (1) The faithful performance by the permittee of all the requirements of this article;
 - (2) Any expenditure, damage, or loss incurred by the village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the village issued pursuant to this article; and
 - (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the village may pay or incur by reason of any action or non-performance by permittee in violation of this article including, without limitation, any damage to public property or restoration work the permittee is required by this article to perform that the village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the village from the permittee pursuant to this article or any other applicable law.
- (b) *Form.* The permittee shall provide the security fund to the village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the village, or an unconditional letter of credit in a form acceptable to the village. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:
- (1) Provide that it will not be canceled without prior notice to the village and the permittee;
 - (2) Not require the consent of the permittee prior to the collection by the village of any amounts covered by it; and
 - (3) Shall provide a location convenient to the village and within the State of Illinois at which it can be drawn.
- (c) *Amount.* The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the director of public works ~~village supervisor~~, and may also include reasonable, directly related costs that the village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the director of public works ~~village supervisor~~ may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection (c) for any single phase.
- (d) *Withdrawals.* The village, upon 14 days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the village for such amount within the 14 day notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
 - (2) Fails to pay any liens relating to the facilities that are due and unpaid;
 - (3) Fails to reimburse the village for any damages, claims, costs or expenses which the village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
 - (4) Fails to comply with any provision of this article that the village determines can be remedied by an expenditure of an amount in the security fund.
- (e) *Replenishment.* Within 14 days after receipt of written notice from the village that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in subsection (c) herein.
- (f) *Interest.* The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the village, upon written request for said withdrawal to the village, provided that any such withdrawal does not reduce the security fund below the minimum balance required in subsection (c) herein.
- (g) *Closing and return of security fund.* Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the security fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the village for failure by the permittee to comply with any provisions of this article or other applicable law. In the event of any revocation of the permit, the security fund, and any and all accrued interest therein, shall become the property of the village to the extent necessary to cover any reasonable costs, loss or damage incurred by the village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.
- (h) *Rights not limited.* The rights reserved to the village with respect to the security fund are in addition to all other rights of the village, whether reserved by this article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the village may have. Notwithstanding the foregoing, the village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

Sec. 86-263. General construction standards.

- (a) *Standards and principles.* All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:
- (1) Standard Specifications for Road and Bridge Construction;
 - (2) Supplemental Specifications and Recurring Special Provisions;
 - (3) Highway Design Manual;
 - (4) Highway Standards Manual;
 - (5) Standard Specifications for Traffic Control Items;
 - (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
 - (7) Flagger's Handbook; and

- (8) Work Site Protection Manual for Daylight Maintenance Operations;
 - (9) The standards for excavation delineated in sections 74-124 through 74-127 of this Code.
- (b) *Interpretation of municipal standards and principles.* If a discrepancy exists between or among differing principles and standards required by this article, the director of public works ~~village supervisor~~ shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the director of public works ~~village supervisor~~ shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

Sec. 86-265. Location of facilities.

- (a) *General requirements.* In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.
- (1) *No interference with village facilities.* No utility facilities shall be placed in any location if the ~~village supervisor~~ director of public works determines that the proposed location will require the relocation or displacement of any of the village's utility facilities or will otherwise interfere with the operation or maintenance of any of the village's utility facilities.
 - (2) *Minimum interference and impact.* The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
 - (3) *No interference with travel.* No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
 - (4) *No limitations on visibility.* No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
 - (5) *Size of utility facilities.* The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
- (b) *Parallel facilities located within highways.*
- (1) *Overhead parallel facilities.* An overhead parallel facility may be located within the right-of-way lines of a highway only if:
 - a. Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
 - b. Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
 - c. Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
 - d. No pole is located in the ditch line of a highway; and

- e. Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.
- (2) *Underground parallel facilities.* An underground parallel facility may be located within the right-of-way lines of a highway only if:
- a. The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 m) from and parallel to the right-of-way line;
 - b. A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - c. In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.
- (c) *Facilities crossing highways.*
- (1) *No future disruption.* The construction and design of crossing facilities installed between the ditch lines or curb lines of village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
 - (2) *Cattle passes, culverts, or drainage facilities.* Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
 - (3) *Ninety-degree crossing required.* Crossing facilities shall cross at or as near to a 90 degree angle to the centerline as practicable.
 - (4) *Overhead power or communication facility.* An overhead power or communication facility may cross a highway only if:
 - a. It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
 - b. Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
 - c. Overhead crossings at major intersections are avoided.
 - (5) *Underground power or communication facility.* An underground power or communication facility may cross a highway only if:
 - a. The design materials and construction methods will provide maximum maintenance-free service life; and
 - b. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
 - (6) *Markers.* The village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

- (d) *Facilities to be located within particular rights-of-way.* The village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.
- (e) *Freestanding facilities.*
 - (1) The village may restrict the location and size of any freestanding facility located within a right-of-way.
 - (2) The village may require any freestanding facility located within a right-of-way to be screened from view.
- (f) *Facilities installed above ground.* Above ground facilities may be installed only if:
 - (1) No other existing facilities in the area are located underground;
 - (2) New underground installation is not technically feasible; and
 - (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.
- (g) *Facility attachments to bridges or roadway structures.*
 - (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
 - (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - a. The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - b. The type, length, value, and relative importance of the highway structure in the transportation system;
 - c. The alternative routings available to the utility and their comparative practicability;
 - d. The proposed method of attachment;
 - e. The ability of the structure to bear the increased load of the proposed facility;
 - f. The degree of interference with bridge maintenance and painting;
 - g. The effect on the visual quality of the structure; and
 - h. The public benefit expected from the utility service as compared to the risk involved.

(h) *Appearance standards.*

- (1) The village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

Sec. 86-266. Construction methods and materials.

(a) Standards and requirements for particular types of construction methods when used on utility facilities located on village right-of-ways.

(1) *Boring or jacking.*

- a. *Pits and shoring.* Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the director of public works ~~village supervisor~~ from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
 - b. *Wet boring or jetting.* Wet boring or jetting shall not be permitted under the roadway.
 - c. *Borings with diameters greater than six inches.* Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).
 - d. *Borings with diameters six inches or less.* Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
 - e. *Tree preservation.* Any facility located within the drip line of any tree designated by the village to be preserved or protected shall be bored under or around the root system.
- (2) *Trenching.* Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction."
- a. *Length.* The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the director of public works ~~village supervisor~~.
 - b. *Open trench and excavated material.* Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where

right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

- c. *Drip line of trees.* The utility shall not trench within the drip line of any tree designated by the village to be preserved.

(3) *Backfilling.*

- a. Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
- b. For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the director of public works ~~village supervisor~~, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the director of public works ~~village supervisor~~.

(4) *Pavement cuts.* Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection is permitted under section 86-271, the following requirements shall apply:

- a. Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the director of public works ~~village supervisor~~.
- b. Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the village.
- c. All saw cuts shall be full depth.
- d. For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

(5) *Encasement.*

- a. Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the village.
- b. The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- c. In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type

approved by the village. Bell and spigot type pipe shall be encased regardless of installation method.

- d. In the case of gas pipelines of 60 psig or less, encasement may be eliminated.
 - e. In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;
 - f. If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
- (6) *Minimum cover of underground facilities.* Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

TYPE OF FACILITY	MINIMUM COVER
Electric Lines	30 Inches (0.8 m)
Communication, Cable or Video Service Lines	18 to 24 Inches (0.6 m, as determined by Village)
Gas or Petroleum Products	30 Inches (0.8 m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, or Drainage Line	Sufficient Cover to Provide Freeze Protection

(b) *Standards and requirements for particular types of facilities.*

(1) *Electric power or communication lines.*

- a. *Code compliance.* Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines," and the National Electrical Safety Code.
- b. *Overhead facilities.* Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
- c. *Underground facilities.* (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads. (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: (a) the crossing is installed by the use of "moles," "whip augers," or other approved method which compress the earth to make the opening for cable installation or (b) the installation is by the open trench method which is only permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.
- d. *Burial of drops.* All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be

buried by May 31 of the current year, weather permitting, unless otherwise permitted by the village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten business days after placement.

- (2) *Underground facilities other than electric power or communication lines.* Underground facilities other than electric power or communication lines may be installed by:
 - a. The use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;
 - b. Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - c. Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - d. Tunneling with vented encasement, but only if installation is not possible by other means.
 - (3) *Gas transmission, distribution and service.* Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.
 - (4) *Petroleum products pipelines.* Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
 - (5) *Waterlines, sanitary sewer liens, storm water sewer lines or drainage lines.* Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."
 - (6) *Ground mounted appurtenances.* Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the director of public works ~~village supervisor~~. With the approval of the director of public works ~~village supervisor~~, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.
- (c) *Materials.*
- (1) *General standards.* The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standards Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
 - (2) *Material storage on right-of-way.* No material shall be stored on the right-of-way without the prior written approval of the director of public works ~~village supervisor~~. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall

be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the village.

- (3) *Hazardous materials.* The plans submitted by the utility to the village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.
- (d) *Operational restrictions.*
 - (1) Construction operations on rights-of-way may, at the discretion of the village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
 - (2) These restrictions may be waived by the director of public works ~~village supervisor~~ when emergency work is required to restore vital utility services.
 - (3) Unless otherwise permitted by the village, the hours of construction are 7:00 a.m. to 8:00 p.m.
- (e) *Location of existing facilities.* Any utility proposing to construct facilities in the village shall contact J.U.L.I.E. and all other parties that may not be members of J.U.L.I.E. but may have knowledge of the location of existing facilities to ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.)

Sec. 86-267. Vegetation control.

- (a) *Electric utilities—Compliance with state laws and regulations.* An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the village as permitted by law.
- (b) *Other utilities—Tree trimming permit required.* Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this article.
 - (1) *Application for tree trimming permit.* Applications for tree trimming permits by or for a utility company shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
 - (2) *Damage to trees.* Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the

International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

- (c) *Specimen trees or trees of special significance.* The village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.
- (d) *Chemical use.*
 - (1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the village for any purpose, including the control of growth, insects or disease.
 - (2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the director of public works ~~village Supervisor~~ that such spraying is the only practicable method of vegetation control.
- (e) *Addition of vegetation.* Any addition of vegetation by a utility company must comply with the requirements enumerated in chapter 90 of this Code.

Sec. 86-268. Removal, relocation, or modifications of utility facilities.

- (a) *Notice.* Within 90 days following written notice from the village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any village improvement in or upon, or the operations of the village in or upon, the rights-of-way.
- (b) *Removal of unauthorized facilities.* Within 30 days following written notice from the village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:
 - (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
 - (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
 - (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this article; or
 - (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.
- (c) *Emergency removal or relocation of facilities.* The village retains the right and privilege to cut or move any facilities located within the rights-of-way of the village, as the village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the village shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

- (d) *Abandonment of facilities.* Upon abandonment of a facility within the rights-of-way of the village, the utility shall notify the village within 90 days. Following receipt of such notice the village may direct the utility to remove all or any portion of the facility if the director of public works ~~village supervisor~~ determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

Sec. 86-269. Clean-up and restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the director of public works ~~village supervisor~~. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. Any pavement removal and replacement must be restored according to section 74-127 of this Code. The time period provided in this section may be extended by the director of public works ~~village supervisor~~ for good cause shown.

Sec. 86-270. Maintenance and emergency maintenance.

- (a) *General.* Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the village and at the utility's expense.
- (b) *Emergency maintenance procedures.* Emergencies may justify non-compliance with normal procedures for securing a permit:
- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
 - (2) In an emergency, the utility shall, as soon as possible, notify the director of public works ~~village supervisor~~ or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the village police shall be notified immediately.
 - (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.
- (c) *Emergency repairs.* The utility must file in writing with the village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

Sec. 86-271. Variances.

- (a) *Request for variance.* A utility requesting a variance from one or more of the provisions of this article must do so in writing to the director of public works ~~village supervisor~~ as a part of the permit application. The request shall identify each provision of this article from which a variance is requested and the reasons why a variance should be granted.
- (b) *Authority to grant variances.* The director of public works ~~village supervisor~~ shall decide whether a variance is authorized for each provision of this article identified in the variance request on an individual basis.
- (c) *Conditions for granting of variance.* The director of public works ~~village supervisor~~ may authorize a variance only if the utility requesting the variance has demonstrated that:
 - (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
 - (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.
- (d) *Additional conditions for granting of a variance.* As a condition for authorizing a variance, the ~~village supervisor~~ director of public works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this article but which carry out the purposes of this article.
- (e) *Right to appeal.* Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the ~~village supervisor~~ director of public works under the provisions of this article shall have the right to appeal to the village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the village clerk within 30 days after the date of such order, requirement, decision or determination. The village board shall commence its consideration of the appeal at the board's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The village board shall timely decide the appeal.

Sec. 90-61. Permits and supervision by board of trustees.

- (a) It shall be unlawful to plant any tree in any public street or parkway or other public place in the village without having first secured a permit therefor. Applications for such permits shall be made to the building department and shall be referred to the director of public works ~~village supervisor~~. All trees so planted shall be placed subject to the directions and approval of the director of public works ~~village supervisor~~.
- (b) It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the building department and shall be referred to the ~~village supervisor~~ director of public works before permission shall be granted. Any contractor or landscaping company contracted to perform tree removal services on public property shall be duly licensed and bonded.
- (c) It shall be unlawful to remove or cut down any tree or shrub exceeding eight feet in height on private property without having first secured a permit therefor. Applications for such

permits shall be made to the building department and shall be referred to the ~~village supervisor~~ director of public works before permission shall be granted. Any contractor or landscaping company contracted to perform tree removal services on private property shall be duly licensed and bonded. Property owners shall be responsible for the disposal of trees or shrubs to be removed from private property.

Sec. 90-64. Wires.

It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the president and board of trustees. Any person given the right to maintain the poles and wires in the streets, alley or other public places in the village shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the ~~village supervisor~~ director of public works so that no injury shall be done either to the poles or wires or the shrubs and trees by their contact.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance, and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective immediately after its passage and approval in accordance with law.

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PASSED this 6th day of February, 2024.

AYES: Trustees White, Milenkovic, Torres, Kapolnek & Hrejsa

NAYS: None

ABSENT: Trustee Savopoulos

ABSTENTION: None

APPROVED by me this 6th day of February, 2024.

Jeff Walik, President

**ATTESTED AND FILED in my
office this 6th day of February, 2024.**

Audrey McAdams, Village Clerk

