

Chapter 5
STREETS, SIDEWALKS and TREES

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5.01 **PUBLIC WORKS DIRECTOR** *93-O-19*

A. Creation: There is hereby created and established in and for the Village, the position of Public Works Director, who shall be hired by the Manager.

B. Duties: The Public Works Director shall be in charge of the Department of Water and Wastewater and Department of Streets and Maintenance and shall oversee the activities of the superintendents of those departments.

C. Superior Officer: The Public Works Director shall report to the Manager.

5.02 **VILLAGE DATUM**

The Village datum is USGS.

5.03 **ENCROACHMENTS ON STREET** *Amended, 06-O-30*

A. Permit: No person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk or public way except by permit from the Village Board. Application for such permit shall describe the nature of the encroachment in such detail as the Village Board shall require. The Village Board, in its discretion, may issue or deny the permit, and may impose any conditions to such permit it deems appropriate. To the extent the provisions of this Section may conflict with the provisions of Section 5.19, the more restrictive provisions shall prevail.

B. Maintenance: Any encroachment on any street, alley, sidewalk or public way shall be maintained so that it does not endanger or obstruct the public.

C. Nuisance: Any encroachment maintained in violation of this Section is declared a nuisance and may be abated by the Village.

5.04 **DAMAGE TO PUBLIC PROPERTY**

No person shall damage or deface any street, alley, sidewalk, public way, park or other public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon.

5.05 **OBSTRUCTING STREETS**

A. Free Passage: No person shall obstruct or endanger the free passage or proper use of the public of any street, sidewalk, alley or public place, except as may be permitted by this Code. No person shall play any games in the roadway of any street.

B. Loading, Unloading: Goods, wares and merchandise may be placed on sidewalks for such reasonable time as may be necessary while loading and unloading, but not exceeding 1 hour, provided pedestrian traffic is not obstructed.

5.06 **DEBRIS ON STREETS** *Amended, 2010-O-05, 2007-O-38, 99-O-20*

A. Litter: No person shall litter or deposit any foreign matter on any street, alley, sidewalk, park or public place, except building materials and merchandise as permitted under this Code, or as may be permitted by the Village Board.

B. Drainage: No person shall obstruct the flow of water in any street, gutter, sewer, catch basin or culvert.

C. Snow and Ice: Except as provided herein, it shall be unlawful for any person to remove snow or ice from any private property, driveway approach or parkway and deposit the same upon any public street, alley or public part thereof. Dirt and snow on sidewalks in the O-T-Old Town District may be deposited into the street roadway.

D. Penalty: Any person, firm or corporation violating this Section 5.06 shall be liable for the cost of removal of the foreign matter and be subject to a fine pursuant to Appendix B of this Code plus the Village's cost of prosecution including reasonable attorneys' fees. Each day that the violation continues shall be considered a separate offense.

5.07 **SUMP PUMP DISCHARGE**

No person shall construct, alter, maintain or in any way provide for the discharge of a sump pump, either directly or indirectly, to any public street, sidewalk or right-of-way.

5.08 **SNOW ON SIDEWALKS**

The person occupying the ground floor of any building, the user of any lot without a structure thereon and the owner of any vacant building or other premises shall remove the snow and ice accumulating on the abutting sidewalks within 24 hours after any snowfall has ceased. If snow or ice

cannot be removed the surface shall be sanded or otherwise treated to lessen the hazard for pedestrians until the climate permits removal.

5.09 VEHICLE SIZE AND WEIGHT LIMITS ON STREETS *Amended, 11-O-14, 08-O-39, 99-O-37*

A. In order to prevent destruction of hard surfaced streets and roadways in the Village, it is necessary that restrictions on the weight and size of all vehicular traffic using such streets and roadways be limited and enforced.

B. It shall be unlawful for any person to be in control of, to drive, to park, or move on, upon or across, or for the owner to cause or knowingly permit to be parked, driven, or moved upon or across, any street or highway under the jurisdiction of the Village, any vehicle or combination of vehicles exceeding the size and weight limitations stated in the 625 ILCS 5/15-102 (width), 5/15-103 (height), 5/15-107 (length), and 5/15-111 (weight) without a permit pursuant to this Section.

C. Size and weights limitations while operating on Village streets shall not apply to fire apparatus or equipment for snow or ice removal operations owned and operated by or for any governmental body, or to implements of husbandry temporarily operated or towed in a combination in the furtherance of a farm or agricultural endeavor, public utility trucks performing maintenance functions, and to any vehicle or combination of vehicles operated under the terms of a valid oversize and/or dimension permit issued by the Village under the authority of Section 5.09-F hereof. In addition, garbage or refuse equipment and vehicles making deliveries within the Village that meet the width, height, length, and weight requirements in Section 5.09-B are permitted.

D. Where lower size and weight limits or other restrictions are imposed by ordinance under authority of 625 ILCS 5/15-111, 15-316, and 15-317 and signs indicating such limitations or restrictions are posted, it shall be unlawful to operate any vehicle or combination of vehicles in excess of such size or weight limitations or in violation of such restrictions except as allowed by ordinance.

E. Weight Limits on Streets:

1. Except for fire apparatus or equipment for snow or ice removal operations owned and operated by or for any governmental body, or to implements of husbandry temporarily operated or towed in a combination in the furtherance of a farm or agricultural endeavor, or garbage or refuse equipment, or vehicles making deliveries within the Village that meet the width, height, length, and weight requirements in Section 5.09-B, or public utility trucks performing maintenance functions, the maximum gross weight limit for all vehicular traffic using streets under the jurisdiction of the Village shall be 10 tons (20,000 pounds) except for designated truck routes and except for Eineke Boulevard and North River Road, which shall have a maximum weight limit of 5 tons (10,000 pounds). The Public Works Director shall cause weight limit signs to be posted at the entrances into the Village and at all major entrances of major subdivisions within the Village. The maximum gross weight limit shall apply to all types of vehicles traveling in, on, upon,

and over the separate streets and roadways controlled by the Village.

2. It shall be unlawful for any vehicle, whether passenger car or motor truck or any other type of vehicle having a gross weight more than the maximum gross weight limit, to come upon, traverse, or travel over or upon streets and roadways controlled by the Village except for designated truck routes or as authorized by the Chief of Police or the Public Works Director.
3. Every separate entry upon any separate street and roadway by the driver of a vehicle having a gross weight in excess of the maximum gross weight limit permitted shall be deemed to be a separate offense by such driver.
4. Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same either by means of a portable or stationary scale. If such scale is not available at the place where such vehicle is stopped, the police officer shall require that such vehicle be driven to the nearest public scale.
5. Whenever a police officer, upon weighing a vehicle and load pursuant to this Section, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limits as permitted under this Section and shall forthwith charge the driver for violating this Section. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.
6. Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by a police officer upon weighing of the vehicle to stop the vehicle or otherwise comply with the provisions of this Section, shall be guilty of a misdemeanor.
7. When any vehicle is operated on the roads and streets under the jurisdiction of the Village at a weight greater than permitted herein or by the terms of a permit issued under this Section in violation of the provisions of this Section, the owner or driver, or both, of such vehicle shall be deemed guilty of such violation, and the owner or driver, or both, of such vehicle may be prosecuted pursuant to Appendix B of this Code

F. Permits for Overweight and/or Oversized Vehicles:

1. A permit shall be required for the movement of any vehicle or combination of vehicles with a nondivisible load on roadways and bridges within the jurisdiction of the Village that exceeds the dimensions and weights permitted for the particular roadways to be traversed whether they be non-designated or designated roadways.
2. The Village, with respect to any street or highway under its jurisdiction, may, upon application to the Police Department on forms provided by the

Police Department and good cause being shown therefore, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum weight and/or size specified in this Section. The applicant shall furnish the following information on the special permit application:

- a. The name and address of the owner or lessee of the vehicle.
- b. Applicant's name.
- c. Type of yearly permit requested, whether it be for a single trip, round- trip, or multiple routing.
- d. The description and registration (or the Illinois Department of Transportation's registration number or classification) of the power unit.
- e. Description of the object or vehicle to be moved.
- f. The number of axles of the vehicle or combination of vehicles.
- g. The maximum axle weights of all single, tandem, or series axles.
- h. The maximum gross weight of the vehicle.
- i. The maximum width, length, and height of the vehicle and load.
- j. Requested routing over Village streets to and from the specified location.

3. For purposes of this Section, the following definitions apply:

- a. A one-way or single trip movement means one trip from the point of origin to the point of destination. Any additional stops between the point of origin and the point of destination are expressly prohibited. Single trip permits are effective for 7 consecutive days from the date of issuance unless otherwise directed by the Police Department.
- b. Round-trip movement means two trips over the same route in opposite directions. Round-trip permits are effective for 14 consecutive days from the date of issuance. Any additional stops between points of origin and the point of destination are expressly prohibited.
- c. Multiple trips are those in such close proximity to each other in distance or in time that the Police Department would consider incorporating two or more permit trips within one permit application. Multiple trip permits, when granted by the Police

Department, shall be for a period not to exceed 90 days from the date of issuance.

- d. Yearly trips are those trips that are known to be continuous in nature throughout a calendar year beginning on January 1 of a specific year and ending on December 31 of the same year.
4. The owner or agent shall submit an application fee found in Appendix B of this Code for a single routing that will be valid for 7 calendar days, round-trip routing valid for 14 calendar days, multiple routings valid for a base period of 90 days, and a yearly permit valid for one calendar year. Permits are valid only for the date periods specified on the permit and for the specific vehicle, load, and routing as established by the Chief or designee. No substitution of vehicle, load, or routing is permitted without the expressed written permission of the Chief or designee, and the permit must be carried in the vehicle to which the permit applies.
 5. The Chief or designee is authorized to approve the application upon verification with the Public Works Director or designee for approved routes. Upon approval and payment of all required fees, the Police Department shall issue a permit allowing passage of the oversize and/or overweight vehicles over Village streets. The permit shall be specific and contain:
 - a. Permit number;
 - b. The dates the permit is valid;
 - c. Whether the yearly permit is for single, round-, or multiple trip routing;
 - d. The description of object or vehicle to be moved;
 - e. Authorized gross weight, axle weights, width, length, and height;
 - f. The authorized routing over Village streets, including the origin and termination points within the Village;
 - g. The applicable fee;
 - h. The date and signature of the Chief or designee; and
 - i. Specify general conditions that the permittee must comply with that are consistent and reasonable for the protection of the general public and Village streets.
 6. It is the duty of the permittee to read and be familiar with the permit provisions. Undertaking of the permit trip is deemed prima facie evidence of acceptance of the permit provisions and that:

- a. The permittee is in compliance with all operation requirements;
 - b. No dimension and weight limitations specified in the permit will be exceeded;
 - c. All operation, registration, and license requirements have been complied with;
 - d. All financial responsibilities, obligations, and other legal requirements have been met; and
 - e. The permittee assumes all responsibility for injury and damage to persons or to public or private property, including his or her own, or to the object being transported, caused directly or indirectly by the transportation or movement of vehicles and objects authorized under the permit. The permittee agrees to hold the Village harmless from all suits, claims, damages, or proceedings of any kind and to indemnify the Village for any claim it may be required to pay arising from the movement.
7. The permit shall be carried in the vehicle to which the permit applies at all times while operating on streets within the Village and shall be exhibited upon demand to any law enforcement officer, police officer, or authorized Village official. If there are any discrepancies between the written items on the applicant's copy and the Village's copy of the permit, the Village's copy shall be considered correct. The permit is void if any of the printed widths, lengths, heights, or weight limits have been changed or altered.
 8. Whenever any vehicle is operated in violation of the provisions of a Village permit, whether by size, weight, or general provisions, and either or both the owner and driver of such vehicle, shall be deemed guilty and either or both the owner or driver of such vehicle may be prosecuted for such violation.
 9. A copy of all permits issued will be provided to the Manager or designee for informational purposes.

G. Construction Vehicles: For purposes of this Section, a construction vehicle is any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially. It shall be unlawful to operate any construction vehicle on any street in the Village when signs are posted on that street prohibiting construction vehicles. Where the Chief, with the approval of the Village Board, establishes a truck route, construction vehicles will utilize only those established routes to service those areas of the Village under construction.

H. Oversize/Weight Vehicles Permitted on Certain Streets:

1. As provided under the authority of 625 ILCS 5/15-111(f), the Village has designated the following portions of streets and/or highways as Class II designated streets. Vehicles utilizing those as such can be of a weight, length, and width consistent with 625 ILCS 5/15-102 (width), 5/15-107 (length), and 5/15-111 (weight).

Class II Designated Streets: The Village currently has no Class II designated streets.

2. The Public Works Director is authorized and directed to post or cause to be posted streets designated as Class II truck routes as governed by Section 3.06-E.

I. Penalty: Any person, firm, or corporation who or which violates, disobeys, neglects, fails to comply with, or resists enforcement of the provisions of this Section shall be fined pursuant to Appendix B of this Code. A separate offense shall be deemed committed on each calendar day a violation occurs. The penalty provided for herein shall not apply to violations of this Section where the penalty provision set forth in Section 5.09-E7 is applicable.

In addition to seeking a fine, the Village Attorney may institute any proper action in the name of the Village to enjoin the violation of any provision of this Section.

5.10 **CURBS AND GUTTERS** *Amended, 00-O-9, 95-O-25*

A. Uniform Construction: All curbs and gutters hereinafter built in the Village shall be of uniform construction and constructed under the supervision of the Village Engineer and Superintendent of Streets and Maintenance. No curb or gutter shall be constructed unless it complies with this Code, and all property owners complying with the provision shall pay the entire cost of constructing the curb and gutter adjacent to or abutting their property.

B. Construction Required: Curbs and gutters shall be constructed on all streets in the Village at such times as the property owners wish, except when constructed by the Village under special assessment proceedings made in connection with street improvements or when, in the discretion of the appropriate Village Board committee or the Village Board, such construction is deemed necessary.

C. Location: The height and location of the curb shall be determined by the Village Engineer.

5.11 **SIDEWALKS** *Amended, 00-O-9, 97-O-45, 95-O-25*

A. Specifications: All sidewalks that may hereafter be built within the Village shall be in accordance with the plans and specifications of the Village Engineer.

B. Permit: No person shall construct any sidewalk along any public street without a permit from the Building and Zoning Department.

C. Grade: The grade at which all sidewalks shall be laid shall be fixed and determined

by the Village Engineer and no person shall lay or construct any sidewalk within the Village except at such grade.

D. Notice: Whenever the Village Board finds it necessary and proper to construct or rebuild any sidewalks along or upon any street or public alley in the Village it shall require the Village Engineer or Public Works Director to examine the matter and report back to the appropriate Village Board committee. When such report has been made, the affected property owner(s) shall be notified in writing that a sidewalk shall be built. Said notice shall state, in detail, the specifications governing the construction of the sidewalk.

E. Board Action: If such owner or owners of the property, so notified to build such sidewalk, refuse to build the sidewalk within 15 days after receiving the Village notice, the Village Board shall pass an ordinance providing for the construction of such sidewalk or sidewalks, in accordance with the provisions of the Illinois Compiled Statutes.

F. Cost: The owner or owners of any lot, piece or parcel of ground in the Village, along and in front of which the Village Board orders a sidewalk to be constructed, either by special ordinance or otherwise, shall pay the entire cost of the sidewalk construction, and the Village shall not be responsible for any portion of the construction cost within the Village, except for such sidewalks laid along or in front of Village owned property.

G. Compliance: When any sidewalk is constructed or reconstructed in accordance with this Section it shall be the duty of the Building Commissioner to see that Village conditions and specifications pertaining to sidewalk construction are complied with, and the Village shall have the right to accept or reject any sidewalks that do not comply with the sidewalk construction specifications, as fixed by the Village Engineer.

5.12 OPENINGS IN STREETS

A. Permit: No street, alley, tree bank, public ground or place shall be disturbed or opened, nor shall any material or thing be placed or kept therein without first making application to the Superintendent of Streets and Maintenance for the privilege of making said opening and to have a written permit issued by the Superintendent of Streets and Maintenance for said opening.

B. Application: Persons desiring such openings shall make application to the Superintendent of Streets and Maintenance on a form furnished by the Village. No permit will be issued until the permittee:

1. Completes an application for opening on a form furnished by the Village and states fully all purposes for which the opening is required.
2. Contacts all individuals or corporations operating gas, electric, telephone or other public utility in the area, as well as the Village to receive from them the information as to the existence and location of any underground facilities, so the proper precautions can be taken to avoid damage to the underground structures. Before opening is started the applicant shall furnish the Superintendent of Streets and Maintenance with written statements from persons named above to the effect that they have been informed of the proposed project.

3. Files a work schedule approved by the Superintendent of Streets and Maintenance indicating the starting date and date of completion and number of hours each day that work will be undertaken.
4. Agrees to make the opening in such a manner that will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to or from affected properties.

If an opening requires the closing of a street, permit approval is required from the Village Board and the permittee shall provide for and pay all costs of detouring traffic.

5. Secures an Illinois Department of Transportation permit if required.
6. Secures appropriate Village permits if the opening is for the purpose of making connection to the potable water system or sanitary sewer system.
7. Pays a permit fee, which shall be determined from time to time by the Village Board.
8. Agrees to pay all Village engineering or inspection services costs if deemed necessary by the Superintendent of Streets and Maintenance. The permittee may be required to place on deposit with the Clerk an estimated cost of engineering and/or inspection services. The permittee, however, shall only pay the actual costs of such services.
9. File with the Clerk a good and sufficient bond payable to the Village with surety approved by the Village, conditioned that such person shall faithfully observe the ordinances of the Village and shall make and repair such openings and space, and shall save and keep harmless the Village from all costs arising in any manner or way from the granting of such permit. The amount of the bond shall be determined by the Superintendent of Streets and Maintenance but in no case shall it be less than \$1,000.
10. Agrees to adequately protect all excavations with barricades, lights or other means of protection required by the Superintendent of Streets and Maintenance. The permittee shall also place on file the name, address and home telephone number of the person responsible for the work.
11. Agrees that materials used and methods of construction shall be in conformance with specifications established by the Village Engineer or Superintendent of Streets and Maintenance. All work shall be under the supervision of the Superintendent of Streets and Maintenance.
12. Agrees to secure and protect the Village from any liability or damage whatsoever for injury, including death, to any person or property and files with the Clerk liability insurance certificates in an amount to be established from time to time by the Village Board, but in no case less than \$1,000,000.

C. Default: In any case where a permittee shall be in default or shall fail to comply with the requirements of this Section, or shall fail to complete the work on the date agreed upon, the Superintendent of Streets and Maintenance shall order the work completed by the Village and shall notify the permittee and surety in writing. The Village shall recover the cost from the permittee or his surety.

5.13 MOVING BUILDINGS

A. Permit: It shall be unlawful for any person to move any building into, along or across any street, alley or public ground within the Village without first obtaining a written permit from the Building and Zoning Department. The permit fee is found in Chapter 23.

B. Route: Such permit shall set forth the route to be taken for moving the building. The route shall cause the least interference with the public use of the streets and the least danger of injury to public or private property.

C. Obstructions: At no time shall the building be left standing where it may cause any obstruction to streets at intersections. Due care shall be taken to avoid damage to streets, sidewalks, trees and all public and private property.

D. Utilities: If in the moving of any building along the route laid out in the permit, it shall be necessary to cut or remove any wire or wires belonging to any telephone, cable television or electric company, it shall be the duty of the person in charge of the building to give the companies 24 hours notice by informing its agent or representative in the Village, or, if the company has no representative in the Village, then by notifying its nearest representative of the time when such building will approach such wire or wires and arrange for the removal of the same by the companies, to allow the passing of the building.

E. Surety Bond: The Building and Zoning Department shall not issue a permit for moving any building unless the person making application has first executed and filed with the Treasurer a bond as provided in Chapter 23 with sureties to be approved by the Manager, conditioned upon the full compliance by the person to whom such permission is given, with all the provisions of this Section and for the payment of all penalties incurred by the permittee, and all damages to public and private property or interests for which he may be found liable.

F. Time Limit: The building owner or the contractor having charge of its removal shall not allow the building to remain in any of streets or alleys or upon any Village property for any time longer than specified in the permit of the Superintendent of Streets and Maintenance.

G. Warning Lights: The building owner or the contractor having charge of its removal shall place warning signals on the building while it is being moved through the streets, alleys or Village property. The building owner or contractor having charge of its removal shall cause red lights to be placed on any building being moved that is left standing in any street, alley or upon any Village property during the night time.

5.14 HOUSE NUMBERING

A. Numbering: All lots, buildings and structures in the Village shall be numbered in

accordance with the following plan:

The base line for streets running north and south shall be Algonquin Road, and numbers lying north or south thereof shall be designated north, or south, as the case may be; the base line for streets running east and west shall be the Fox River, and numbers lying east or west of this line shall be designated east, or west, as the case may be. Numbering shall begin with the base lines with the number 100, and one unit shall be allowed for each 50 feet of frontage. Provided that the numbers at each block shall begin with 100 or a multiple thereof.

Even numbers shall be on the north and west sides of the streets and odd numbers upon the south and east sides of the streets.

B. Arabic Numbers: It shall be the duty of the owner and occupant of every building in the Village to have placed thereupon in a place visible from the street, Arabic numbers at least 2½ inches high showing the number of the building.

C. Chart: The Clerk shall keep a chart showing the proper street number of every lot in the Village. The chart shall be open for public inspection.

D. Penalty: Any person violating this Section shall be fined in accordance with Appendix B for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. No person shall be liable for the penalty until receiving notice from the Village by mail or by personal service of the fact that a building owned or occupied by him or her does not have the proper number in compliance with this Section.

5.15 TREES AND TREE PRESERVATION/REPLACEMENT (LOCATED ON BOTH PUBLIC AND PRIVATE PROPERTY) *Amended, 08-O-26, 05-O-23, 00-O-23, 98-O-8, 96-O-72*

A. Applicability; Intent:

1. Applicability: Notwithstanding any other provision of this Code, the provisions of this Section 5.15 shall apply to all trees on Village-owned property or in Village rights-of-way, and shall apply to such other tree-related matters as is stated herein. The Village shall have the right and the authority to impose the regulations of this Section 5.15 on all applicants, developers and other persons who place or maintain trees on Village-owned property or in Village rights-of-way, or new developments or redevelopments including, without limitation, the authority to review and approve tree species, locations and spacing under all circumstances. In the event of a conflict between the provisions of this Section 5.15 and the provisions of Chapter 22, or Chapter 30 of this Code or any other Village code or ordinance, the provision deemed by the Manager to be most protective of promoting the proliferation and maintenance and care of trees shall apply and control.
2. Intent: It is the intent of this Section 5.15 to promote increases in the quality of trees and tree care in the Village and to promote increases in tree populations in the Village whenever practicable.

B. Definitions: For the purposes of this Section 5.15, terms used herein are defined in Appendix A of this Code.

C. Official Tree Plan: The Village Arborist shall have the responsibility of studying, investigating and drafting an Official Tree Plan for the Village. The Official Tree Plan shall include provisions for the planting, replanting, pruning, preservation and general care of Village-owned trees and for the removal or other disposition of dead, dying or diseased trees. The Village Arborist shall present a draft Official Tree Plan to the Village Board for its review and approval. After the Official Tree Plan has been approved by the Village Board, which approval shall be in the form of a written resolution, the Village Arborist shall periodically review and analyze the Official Tree Plan in light of current conditions in the Village. The Village Arborist may recommend to the Village Board changes to the Official Tree Plan, and the Village Arborist shall report annually to the Village Board his or her findings as to the operation of the Official Tree Plan and the state of Village-owned trees.

D. Tree Species: The Village shall maintain a list of acceptable tree species, to be used when planting in Village-owned rights-of-way, on Village-owned property and on new or redeveloped public or private projects or parcels. This list will consist of species currently deemed satisfactory by the Village Arborist. This list of trees, and no others unless approved by the Village Arborist, are hereby approved for planting as street trees within Village-owned rights-of-way, on Village-owned property and on new or redeveloped public or private projects of parcels. Copies of the list are available at the Public Works administration office.

E. Tree Spacing: The spacing of street trees shall be no less than 40 feet between plantings. Street trees shall be planted as close to the minimum spacing standard as possible. The Public Works Director may reduce the minimum spacing standards set forth herein for special planting areas designed or approved by a landscape architect.

F. Distances From Curbs and Sidewalks: Trees shall be planted a minimum of 2 feet from all curbs, curb lines and sidewalks. Parkways, as measured from the back of the curb to the closest edge of the sidewalk, smaller than 4 feet, shall not be suitable for parkway trees unless approved by the Village Arborist. Trees planted on parkways where a sidewalk exists shall be centered between the back of the curb and the closest edge of the sidewalk.

G. Distances From Corners and Fire Hydrants: No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet to any fire hydrant, unless the location was approved by the Public Works Director.

H. Distances From Utilities: No street tree other than those listed as acceptable tree species in the Public Works administration file, shall be planted under or within 10 lateral feet of any overhead utility wire. Nor shall any tree other than a small tree be planted over or within 5 lateral feet of any underground water line, sewer line, transmission line or other underground utility.

I. Village Authority to Care for Trees: The Village and its authorized agents shall have the right but not the obligation to plant, prune, maintain and remove trees, plants and shrubs on Village property and within any Village right-of-way or utility easement, as may be necessary

to ensure public safety, preserve and enhance the quality of vegetation, and beautify the Village. For the same purposes the Village may prune or remove all portions of any tree or shrub that overhang any Village property, Village right-of-way or utility easement.

The Village may cause to be removed as soon as practical any tree on Village property or within Village right-of-way, that is diseased or dying, or that poses an irreconcilable threat to a utility or that otherwise threatens the public health, safety or general welfare.

Guidelines set forth by the American National Standards Institute A300 Pruning Standard will be used for tree trimming and maintenance activities performed by the Village or its agents.

J. Topping Prohibited: No person shall cause or allow the topping of any tree on Village property or within any Village right-of-way provided, however, that the Village may permit the topping of a tree under exceptional circumstances, such as when the tree has been severely damaged by a storm or other cause, or when topping is otherwise the only practical action.

K. Site Clearance Pruning: The owner of any tree on private property that overhangs any street or right-of-way within the Village shall prune the branches of such tree, if necessary, so such tree shall not obstruct the safe passage of vehicles, the light from any street light, the view of any street sign or the view of any street intersection. The owner also shall prune such tree so that there is a minimum of 10 feet of clear space between the surface of the street or a minimum clear space of 8 feet between the surface of the sidewalk and the lowest hanging branch on such tree. The failure to so prune is hereby declared to be a public nuisance. If the owner fails or refuses to accomplish such pruning within 14 days after written notice to do so from the Public Works Director, the Village shall have the right, but not the obligation, to cause such pruning to be accomplished by Village staff, or by contractors hired by the Village for such purposes.

If the owner fails to pay to the Village all of the costs incurred by the Village for such clearance pruning within 30 days after receipt of a written invoice, then the Village shall have the right, to the extent provided by law, to place a lien on the property on which such tree was located and to perfect such lien as provided by law.

L. Safety Pruning: The owner of any tree overhanging any street or right-of-way within the Village shall prune all dead, diseased, decaying, broken or dangerous branches from such tree and shall prune from such tree all branches that constitute a menace to the safety of the public or to the health of any other tree. The failure to so prune is hereby declared to be a public nuisance. If the owner fails or refuses to accomplish such pruning within 14 days after written notice to do so from the Public Works Director, the Village shall have the right, but not the obligation, to cause such pruning to be accomplished by Village staff or by contractors hired by the Village for such purposes.

If the owner fails to pay to the Village all of the costs incurred by the Village for such safety pruning within 30 days after receipt of a written invoice, then the Village shall have the right, to the extent provided by law, to place a lien on the property on which such tree was located and to perfect such lien as provided by law.

M. Removal of Trees: The owner of any tree in the Village that constitutes a hazard to

life or property or harbors disease constituting a threat to other trees shall remove such tree within 60 days after written notice to do so from the Public Works Director. The failure to remove such tree is hereby declared to be a public nuisance. If the owner fails or refuses to accomplish such removal within the required time period, the Village shall have the right, but not the obligation, at the owner's expense, to cause such tree to be removed by Village staff or by contractors hired by the Village for such purposes.

If the owner fails to pay to the Village all of the costs incurred by the Village for such removal within 30 days after receipt of a written invoice, then the Village shall have the right, to the extent provided by law, to place a lien on the property on which such tree was located and to perfect such lien as provided by law.

No person, except those authorized or employed by the Village, shall remove, destroy, break, cut, deface, trim or in any way injure or interfere with any tree growing in any right-of-way without the written permission of the Village Arborist.

N. Harmful Insects: The owner of any tree in the Village that harbors harmful insects constituting a threat to other trees shall be removed within 30 days notice from the Village. When the owner of such property refuses or neglects to remove any such tree, it shall be a public nuisance. The Village shall have the right, but not the obligation, at the owner's expense, to cause such tree to be removed. The cost of such tree removal shall be a lien upon the real estate affected when notice is personally served or sent by registered mail to the person to whom was sent the tax bill for general taxes for the last preceding year on the property, such notice to be delivered or sent not less than 30 days prior to the removal of the tree or trees located thereon. The notice shall contain a copy of this Section and identify the property, by common description, and the tree or trees affected. The notice of lien shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the Village.

O. Tampering: No person shall attach or place any rope, wire, sign, poster, handbill or other thing on any tree growing on Village property, or any guard or protection of the same. No person shall remove, injure or misuse any guard or device placed or intended to protect any tree growing on Village property.

P. Protection of Trees: Unless otherwise specifically authorized in this Code, it shall be unlawful for any person without a Village issued Tree Removal Permit to remove, injure, destroy or undertake any procedure, the result of which is to cause the death or substantial destruction of any tree, within the Village limits, having a diameter of 10 inches DBH or larger.

Additionally, a tree survey and a Village-issued Tree Removal Permit shall be required for removal of more than 4 trees on a site or as required by the Village Arborist. The tree survey shall list the location of existing vegetation 4 inch DBH and greater with sizes and species (common and botanical names) and health condition recorded. Indicate on the plan those materials to be preserved, removed or transplanted.

Tree Removal Permits authorizing the removal of such trees may be issued by the Village Arborist for, but not limited to, the following reasons:

1. The tree is dead or dying;
2. The tree is diseased or harboring harmful insects;
3. The tree is damaged or injured to the extent that it is likely to die or that it constitutes a hazard to persons or property;
4. Removal of the tree is consistent with good forestry practice; and/or
5. Removal of the tree will enhance the health of remaining trees within the immediate vicinity.

The Village Arborist may issue a Tree Removal Permit where it is found that removal of the tree will avoid or alleviate an economic hardship or hardship of another nature on the lot or residence located on the lot.

Upon receipt of a Tree Removal Permit, the permittee shall replace the tree so removed in each of the following instances

1. In the event the removal of a tree or trees will avoid or alleviate an economic hardship or hardship of another nature on the lot or the residence located on such lot.
2. In the event a tree is damaged or injured by other than natural causes to the extent that it is likely to die or become diseased or infested, or it constitutes a hazard to persons or property.

The permittee is encouraged to replace the tree in the event the tree is diseased, dead or dying from natural causes, or in the event the tree is damaged or injured by natural causes where it is likely to die or become diseased.

The permittee may not be required to replace the tree in the event the Village Arborist determines that removal of the tree is consistent with good forestry practice, or in the event the removal of such tree will enhance the health of remaining trees within the immediate vicinity.

The permittee shall make all replacements with a new tree or trees of not less than 3 inches DBH. Trees so removed that are of a species typically available at a nursery, as determined by the Village Arborist, shall be replaced at a DBH rate of 1 to 1. Trees so removed that are of a species considered opportunistic and not typically available at a nursery, as determined by the Village Arborist, shall be replaced at a DBH rate of one-half to 1. The cumulative replacement DBH, based upon this formula, shall equal or exceed the diameter of the tree or trees so removed.

Such replacements shall be made within 12 months of the date of the removal of any trees for which such replacement is required, and such trees shall be installed at the time of year most beneficial for transplanting the particular species.

Should the Village Arborist determine that full replacement would result in unreasonable crowding upon the lot; the permittee shall be required to offset the environmental loss by paying

a loss fee to the Village. The loss fee will be based upon \$100.00 per caliper inch of loss based upon the formula noted above. This loss fee will account for the proposed environmental losses and shall be used to provide reforestation in other areas of the Village. Said fee shall be paid prior to the issuance of a site development permit.

Tree Removal Permits may be denied by the Village Arborist for, but not limited to, the following reasons:

1. Tree does not meet any of the criteria outlined in this Section;
2. Tree is rare to the area and/or is a desirable specimen;
3. Tree is to be used for milling;
4. Tree is to be used for firewood;
5. Tree leaves and branches are considered a nuisance;
6. The contractor does not have an Illinois Department of Agriculture Compliance Agreement for handling of infested or infected material; and
7. Failure to provide a means of appropriate disposal of ash wood in compliance with Illinois Department of Agriculture standards for disposal.

The owner or the developer for which a Tree Removal Permit has been denied may appeal the decision to the appropriate Village Board committee. A written request for review must be submitted to the Village Board committee in care of the Public Works Director. The Village Board committee must investigate the denial of a Tree Removal Permit within 30 days of receipt of a written request. All findings and decisions of the Village Arborist and the Village Board committee are final. Disregard for the decision of the Village Arborist or the Village Board committee shall be considered a violation of this Section.

Q. Tree Preservation During Construction: In connection with projects involving the construction of new homes, additions or detached accessory buildings requiring building permits, a Tree Preservation Plan shall be filed with the building permit application in order to assure that all buildings and other structures shall be located upon a lot or parcel of land in such a way as to minimize tree damage and/or removal, consistent with the various setback requirements of the Zoning Code. The Tree Preservation Plan shall specify the following:

1. Tree preservation area and building activity area upon the lot or parcel of land for which a building permit application has been filed. (Note: The tree preservation area shall be protected physically from the building activity area by a barrier to prevent penetration of construction vehicles, materials, spoils and equipment into or upon the tree preservation area); and
2. The general contractor, who shall be responsible for the construction, erection and maintenance of temporary fencing or other physical barrier around tree preservation areas so that all trees in tree preservation areas

shall be preserved.

A Tree Removal Permit will be issued only in the event the Village finds that all reasonable efforts have been undertaken in the architectural layout and design of the proposed development to preserve existing trees. No building permit will be issued unless the Tree Preservation Plan has been filed with the building permit application and approved by the Village Arborist.

During construction all reasonable steps necessary to prevent the destruction or damaging of trees (other than those specified to be removed) shall be taken, including, but not limited to the following:

1. No construction activity, movement and/or placement of equipment or material or spoils storage shall be permitted outside the building activity area or within the tree preservation area. No excess soil, additional fill, liquids or construction debris shall be placed within the root zone of any tree that is required to be preserved;
2. Crushed limestone, hydrocarbons and other materials detrimental to trees shall not be dumped within the root zone of any tree, nor at any higher location where drainage toward the tree could conceivably affect the health of the tree;
3. Appropriate protective fencing shall be temporarily installed for protection of remaining trees;
4. All required protective fencing or other physical barrier must be in place and approved by the Village Arborist prior to beginning construction. The fencing must remain in place during the entire construction period to prevent the impingement of construction vehicles, materials, spoils and equipment into or upon the tree preservation area. All fencing must be secured to metal posts driven into the ground spaced no further than 10 feet apart;
5. No attachments, fences or wires, other than those approved for bracing, guying or wrapping, shall be attached to trees during the construction period;
6. Other measures such as construction pruning and root pruning of trees directly impacted by construction must also be indicated on the plan or on an accompanying sheet and approved by the Village Arborist;
7. Unless otherwise authorized by the Tree Removal Permit, no soil shall be removed from within the root zone of any tree that is to remain;
8. If the Village Arborist determines that trees in the way of construction can be transplanted on the property, then the contractor shall submit a plan for the transplantation of the trees to the Village Arborist for review and approval and shall undertake to transplant the trees in accordance with the

approved plan;

9. If, in the opinion of the Village Arborist, trees in the way of construction are eligible for transplantation, but no site on the property is appropriate for said transplantation, then the contractor shall dig, remove and ball said trees in accordance with a plan submitted by the contractor and approved by the Village Arborist. Said trees would then be made available to the Village. If the Village declines the trees, said trees would then be offered to the general public for transplantation throughout the Village. The cost of transporting the trees from the site shall be borne by those who take the trees for transplantation.

It shall be unlawful for any person, firm or corporation to fail to abide by the terms of any Tree Preservation Plan pursuant to which a building permit or Tree Removal Permit has been issued.

If, in the opinion of the Village Arborist, the necessary precautions as specified in the Tree Preservation Plan were not undertaken before construction commenced, or are not maintained at any time during construction, a stop work order shall be issued by the Building Commissioner until such time as the permittee complies with the precautions herein.

Tree preservation during road construction shall be strictly enforced. Specific requirements of tree preservation during road construction are available from the Village Arborist.

R. Application for Tree Removal Permits: In the event a Tree Removal Permit is applied for in connection with work for which no building permit is required, there shall be no charge for such permit. The application for a Tree Removal Permit shall contain:

1. Name of applicant;
2. Commonly known address of the lot or property where said tree or trees are proposed to be removed is located (PIN of parcel if tree is in an undeveloped area of the Village);
3. A written statement indicating the reason for removing the tree or trees;
4. A general description of other trees on the lot or property, including size and species;
5. Name and address of contractor or other person who will have the responsibility for tree removal; and
6. Means of disposal, including end product destination.

In the event a Tree Removal Permit is applied for in connection with construction requiring a building permit, the application shall be accompanied by:

1. The Tree Removal Permit fee found in Appendix B of this Code;

2. A tree survey of the lot, which shall be drawn on a scale of not less than 1 inch equals 30 feet, and shall show trees having a DBH of 4 inches and larger, including a listing of species. In the event construction activity is to take place in the root zone of such trees, protected trees on adjoining lots should be shown;
3. A Tree Preservation Plan in conformance with the requirements of Section 5.15-Q; and
4. A report from a certified arborist if required by the Village Arborist.

S. Emergencies: In order to avoid danger or hazard to persons or property, during emergency conditions requiring the immediate cutting or removal of a tree or trees protected hereunder, a Tree Removal Permit will be issued by the Village Arborist without formal application.

In the event of such an emergency, if neither the Village Arborist, Public Works Director or Streets and Maintenance Superintendent are available to issue such a Tree Removal Permit, it shall be lawful to proceed with the cutting of the tree or trees to the extent necessary to avoid immediate danger or hazard. In such event, the person causing the cutting shall report the action taken to the Village Arborist within 48 hours thereof.

T. Interference with Village Tree Work: No person shall prevent, delay or in any other way interfere with work undertaken by the Village and its authorized representatives to plant, cultivate, mulch, prune, spray or remove any street tree, park tree or other tree as authorized by this Section.

U. Penalty: Any person who violates any provision of this Section shall be fined in accordance with Appendix B for each offense. A separate offense shall be deemed committed on each day during or on which a violation continues to occur. Further, a separate offense shall be deemed committed for each tree injured, removed, destroyed or for undertaking any procedure that results in the death or substantial destruction of any tree within the Village limits having a diameter of 10 inches DBH or larger.

5.16 GAS PIPES

No person owning or maintaining any gas pipes or mains beneath the surface of any street in the Village shall permit any leak to occur in such pipes or mains within a radius of 40 feet of any tree growing in any street or public place in the Village. In the event a leak exists or occurs in any such pipe or main, it shall be the duty of the person owning or using such defective pipe or main to repair the same immediately and stop such leak in a manner to prevent a recurrence of the same trouble, after receiving notice in writing from the Superintendent of Streets and Maintenance, calling the attention of such person to the fact that such leak exists. If such person fails within 5 days after the receipt of such notice to stop such leak in a manner to prevent a recurrence thereof, such person shall be subject to the penalty provided for violation of this Code.

5.17 MAILBOX INSTALLATION *Amended, 99-O-17*

A. Mailboxes installed along Village streets shall be in accordance with U.S. Postal Service regulations. Mailbox posts shall not be reinforced or fortified to prevent or hamper its destruction upon impact. The placement of such mailboxes shall not interfere with street maintenance projects, such as snow plowing and street cleaning. For purposes of this Section, mailboxes of masonry construction shall be considered reinforced or fortified.

B. Penalty: Any person violating this Section shall be fined in accordance with Appendix B for each offense. Each 24-hour period that the violation continues shall be considered a separate offense.

C. Non-Conforming Mailboxes: Mailboxes, the construction of which was commenced prior to March 15, 1991, shall be excepted from the provisions of this Section and considered legal non-conforming structures. However, if said mailbox shall be destroyed, damaged or in need of substantial repair, said mailbox shall be brought in compliance with this Section.

5.18 **TRAFFIC CALMING** *03-O-12*

A. For purposes of this Section, traffic calming means the installation of various devices, including but not limited to intersection humps, speed tables, roundabouts, medians, “slow points,” diagonal closures, tee intersections, one-way entries, one-way exits, alternative street layouts, traffic circles, raised intersections, chokers and center island narrowing, in an effort to improve neighborhood safety by reducing the volume and rate of speed in the neighborhood.

B. The Village has established criteria for the implementation of traffic calming devices in the Village. Such criteria, which may be modified from time to time, takes into account the traffic counts of a particular street, motor vehicle population in the neighborhood, the proximity of the street to arterial roadways, actual average speeds of motor vehicles traveling the street, pavement conditions and pedestrian safety. When traffic calming is warranted, Village staff is directed to determine what type of traffic calming devices should be initiated and recommend their implementation to the Village Board.

5.19 **UTILITIES IN RIGHT OF WAY** *06-O-30, Amended, 07-O-25*

A. Definitions: For purposes of this Section:

1. “Village initiated improvements” or “Village operations” shall include but not be limited to, anything required by the Village in annexation, final plat requirements or other agreements with third parties including those intended to benefit other property within the Village, Village road construction, expansion or relocation projects, public works projects or other Village operations, maintenance and planning projects.
2. “Public right of way” shall include but not be limited to, any street, alley, parkway, other land or waterway, dedicated or commonly used for utility or cable purposes, including utility or cable easements.
3. “Utility” shall include, in addition to all other commonly and legally accepted definitions of the term, cable providers and facilities, and video

service providers.

B. Permits:

1. Permit Required: No person shall erect or maintain any poles or wires on or over any street, alley or other public way or public right of way without a permit from the Public Works Director. A permit shall also be required for the installation, maintenance or replacement of any aboveground or underground facilities, including, but not limited to utility boxes, wires, pipes, cables, conduits and ducts, within any street, alley or other public way.
2. Effect of Permit: A permit from the Village authorizes the permit holder to undertake only certain activities in accordance with this Section, and does not create a property right or grant authority to the permit holder to impinge upon the right of others who may have an interest in the public right of way.
3. Fee: The permit fee shall be determined from time to time by the Village Board.

C. Location of Utilities: The Village may restrict the placement and location of any facility located within a right of way. Placement and location of all facilities shall be subject to the approval of the Public Works Director. Approval of the placement and location of any facility by the Public Works Director shall not be construed to be a waiver of the absolute power of the Village to require the removal, relocation, or modification of the placement and location of a facility in order to protect the public's health, safety, or welfare.

D. Appearance Standards:

1. The Village may prohibit the installation of facilities in a location in order to protect visual quality.
2. A freestanding facility may be constructed only if its construction does not impair the public's health, safety, or welfare and its placement does not impair the aesthetic quality of the land upon which it is located.
3. The Village may require that a freestanding facility be screened or landscaped in a manner so as to preserve the visual aesthetics in the area in which it is located. Any screening or landscaping required by the Village shall be installed and maintained by the utility at its own expense.
4. If, at any time, the Public Works Director, in his/her sole discretion, determines that the screening or landscaping around a utility is not properly maintained, the Public Works Director shall cause a notice to be sent to the utility notifying the utility of the location of the facility and the corrective action that must be taken by the utility. The utility shall have 30 days from the date of the notice to complete the corrective action contained therein. If the utility fails to complete the necessary corrective

action, the Village may exercise its right to draw on the utility's letter of credit in order to complete the necessary maintenance to the location.

E. Letter of Credit: The Village may require, at least 30 days prior to the commencement of operation by the utility in the right of way, a letter of credit for a period of 2 years in an amount sufficient to reimburse the Village for the cost of installing or maintaining the landscaping and screening around the utility's facilities. The letter of credit shall be from a bank approved by the Village. The Village may require the utility to renew the letter of credit for additional 2-year periods thereafter with the utility to renew the letter of credit no later than 30 days prior to its expiration date. The Village may draw on said letter of credit if the utility fails to properly maintain any facility in accordance with the appearance standards contained in Section 5.19-D. If the Village does not require the utility to renew the letter of credit for an additional period and the utility is in violation of any of the appearance standards contained in Section 5.19-D, the Village may assess a penalty against the utility in accordance with Section 1.06 herein.

F. Gas Pipes: Any person or company maintaining any gas pipe in the Village shall keep such pipe free from leaks so that no injury shall be done thereby to any person or property.

G. Removal, Relocation or Modifications of Utility Facilities: Within 60 days following written notice from the Village, any person or company shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any utility or cable facilities within the public right 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 initiated improvements or Village operations on, over, under or within, such public right of way. To the extent this provision conflicts with the terms of an existing franchise agreement or with state law, the terms of the franchise agreement or state law shall govern. However nothing in this provision shall be interpreted as a fee to any utility or cable company for the use of the Village's rights of way.

H. 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 public right of way shall, at its own expense, remove all or any part of such facilities or appurtenances from such public right of way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permit holder'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 Section; or
4. If the facility was constructed or installed at a location not permitted by the permit holder's license or franchise.

I. Emergency Removal or Relocation of Facilities: The Village retains the right and

privilege to cut or move any facilities located within the Village public right of way 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.

J. Abandonment of Facilities: Upon abandonment of a facility within the Village public right of way, 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 Public Works Director determines that such removal will be in the best interest of the public health, safety and welfare. In the event 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 use, alteration or removal of all or any portion of the facility by another utility or person.

K. Cleanup and Restoration: Upon completion of all construction or maintenance of facilities, the utility shall, at its own expense, remove all excess material and restore all turf and terrain in a timely manner and 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 Public Works Director. Such cleanup and repair may be required to consist of backfilling, re-grading, re-seeding, re-sodding 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.

L. Annual Registration Required: Every utility that occupies a Village public right of way shall register on January 1 of each year with the Public Works Director, providing the utility's name, address and regular business telephone and facsimile 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 the name, address and regular business telephone and facsimile number of one or more contact persons who shall receive any notices resulting from this Section. Each utility also shall provide evidence of insurance coverage reasonably consistent with industry standards.

M. Nothing in this Section shall exempt any utility working in the right of way from any other provisions of this Chapter. To the extent other provisions of this Code may conflict with the provisions of this Section, the more restrictive shall prevail.

N. Penalties: Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section shall be subject to a fine in accordance with Section 1.06 herein. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Section. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's cost of damages and its cost of installing, maintaining, modifying, relocation or removing the facility that is the subject of the permit and improvements. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.