

PAMPHLET CONTAINING
ORDINANCE NO. 2023-06

AN ORDINANCE PERTAINING TO AMENDING THE CODE OF THE VILLAGE OF
WILLIAMSVILLE, IL BY ADOPTING CHAPTER 260 STREET CUTS AND DIRECTIONAL
BORING FOR UTILITY INSTALLATION AND REPAIR AND RIGHT-OF-WAY
PERMITTING

This pamphlet published July 24, 2023.
by authority of the Board of Trustees,
Village of Williamsville, Illinois.

Karen Winger, Village Clerk

AN ORDINANCE PERTAINING TO AMENDING THE CODE OF THE VILLAGE OF WILLIAMSVILLE, IL BY ADOPTING CHAPTER 260 STREET CUTS AND DIRECTIONAL BORING FOR UTILITY INSTALLATION AND REPAIR AND RIGHT-OF-WAY PERMITTING

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLIAMSVILLE, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Chapter 260 is hereby adopted and added to the Code of the Village of Williamsville, IL, as follows:

CHAPTER 260: STREET CUTS AND DIRECTIONAL BORING FOR UTILITY INSTALLATION AND REPAIR AND RIGHT-OF-WAY PERMITTING:

260-1 - Street Cuts and Directional Boring for Utility Installation and Repair and Right-of-Way Permitting.

A. Prohibited: It shall be unlawful for any person, firm, or corporation to cut, dig, trench, excavate, grade, tunnel, bore, or in any way disturb any road, street, alley, sidewalk, curb, roadside ditch, right-of-way, or other public place for any purpose whatsoever without:

1. Filing and obtaining a written street cut and bore permit with the Village of Williamsville;
2. Executing a bond to cover all damages occasioned by such work; and
3. Restoration of the area in good condition and in the manner provided for by the terms of this section.

B. Emergencies: In the case of an emergency, cutting and excavation may proceed without delay on condition that within twenty four (24) hours after the commencement of such cutting or excavation, a bond shall be posted, notice of such work shall be given, and a street cut permit shall be applied for and obtained from the Village.

C. Permit Exemptions: Street cut and boring permits will not be required for excavations made under contract with or by order of the Village of Williamsville through its proper officials, nor to construction of any private entrances, driveways, or approaches in connection with any street in the Village street system or the installation or replacement of sidewalks, or for the installation of landscaping.

D. Bond And Fee Exemptions: The provisions of this section which pertain to bonds and fees shall not apply to work being done by any city, town, municipal corporation, or any agency of the State, or by any special taxing or service district established by law, provided that such entities shall give the Village at least twenty four (24) hours notice of such work and shall comply with all other applicable provisions of this section.

E. Utility Poles Along Right-Of-Way: The provisions of this section pertaining to permits, bonds and fees shall not apply to the setting and maintaining of existing utility poles and their appurtenances along Village street right-of-way by a public utility.

F. Street Cut Permit: Any person, firm or corporation desiring to cut, dig, trench, excavate, grade, tunnel, bore, or disturb any road, street, alley, sidewalk, curb, roadside ditch, right-of-way, or other public place, shall make application for a street cut permit. Application shall be submitted with all fees at least ten (10) business days prior to beginning the work. Permit fees for the said work shall be set at three hundred dollars (\$300.00) per location. The application shall include the following information:

1. Location and purpose of the proposed work.
2. Estimated time or dates when the work will be performed.
3. Estimated length, width, and depth of the proposed work.
4. Type and dimensions of existing pavement or sidewalk to be cut.
5. Name, address, and contact information of contractor performing the work.
6. Scalable plan drawing showing proposed work and all existing features within the work area including pavement, utilities, mailboxes, driveways, and other features.
7. Initial estimate for the construction cost.

G. Applicant Compliance: Applicant for permit shall agree to the following:

1. Village Engineer shall have the right to prescribe the method of the proposed cut, dig, trench, excavation, grade, tunnel, bore, and the location and the time the proposed work will be performed.
2. Applicant will maintain the road surface, which has been disturbed, in a smooth and uniform condition for a period of three years after the traffic is again permitted to pass over such filled trench or maintain the area cut outside the pavement surface but within the right-of-way to the condition similar to the immediate surrounding area for a period of three years. The maintenance is to meet the approval of the Village Engineer.
3. Applicant will erect and maintain all necessary barricades, detour signs, warning signals, and lights by night in accordance to the Manual of Uniform Traffic Control Devices (latest edition). A flagman shall be provided by the permittee at any location where traffic is limited to one lane.
4. By occupying or constructing facilities in the right-of-way, the Applicant shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the Applicant or its affiliates, officers, employees, agents, contractor, subcontractors, successors and assigns, in the construction of facilities or occupancy of the rights-of-way and, in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, or wilful misconduct by the Village, its officials, officers, employees, agents or representatives.

5. Applicant shall conspicuously display the name and telephone number of the project foreman at the site of the work, for the duration of the project.

H. Bond: Whenever such application is approved, the applicant shall be required to provide a bond to the Village of Williamsville, with surety to be approved by the Village Engineer. Said bond shall guarantee that the place where said work is to be done shall be restored to a condition and in the manner provided by the provisions of this section.

1. Such bond shall be in the sum of ten percent (10%) of the estimated initial construction costs for the project.
2. Such bond shall provide for the surety to guarantee that the principal of said bond shall faithfully perform all duties imposed upon said principal for each and every utility crossing according to the requirements of this section. Such bond shall automatically renew on an annual basis to remain in full force for a period of three (3) years from the date of the completion of the permittee's work to assure that no hidden damage to pavement or infrastructure occurs. No permit shall be issued until such bond has been filed with and approved by the Village Engineer.
3. A cashier's check or certified check payable to the Village of Williamsville, in the same sum as designated herein for such bond, or a letter of credit issued by a financial institution approved by the Village of Williamsville in the same sum designated for the bond may be filed in lieu of a surety bond. Public utilities may submit an indemnifying agreement acceptable to the Village Engineer in lieu of a bond, cashier's check, certified check, or letter of credit.

I. Time Limit: The holder of any permit issued which grants permission to cut, dig, trench, grade, excavate, tunnel, or bore in any right-of-way as provided by this section shall complete all work and make all repairs within ninety (90) days from the issuance of the permit. The Village Engineer may extend the time for the completion of the work for which the permit was granted. Any work requiring removal of roadway or street pavement shall be completed within fourteen (14) calendar days after beginning work in the roadway at that location.

J. Temporary Repairs: If weather conditions do not allow permanent repairs to be completed, the permittee shall make temporary pavement repairs. Said temporary repairs shall be made with asphalt cold mix and shall be maintained by the permittee until permanent repairs can be made.

K. Open Cut And Boring Requirements: All work and repair described herein shall be done in accordance with the following specifications:

1. Open Cuts: Any open cuts through sidewalk, curb and gutter, pavement, or other hard surface shall be made by sawcutting for the full depth of the hard surface. Sawcut lines shall be neat and straight.
2. Inspection: After excavation and utility installation or connection is complete, the permittee shall contact the Village Engineer for an inspection of the installation prior to backfilling. Any damage to the existing utility or adjacent pavement, curb, or gutter resulting from the permittee's operations shall be repaired to the satisfaction of the Village Engineer at the permittee's expense.
3. Backfilling: All backfilling of open cuts in streets or roadways shall be made from the bottom of the excavation to the bottom of the pavement using a flowable fill or controlled low strength material (CLSM). The material and construction methods shall be as specified in section 593 of the latest edition of the IDOT Standard Specifications for Road and Bridge Construction.

4. Restoration: Street and roadway pavements shall be restored in accordance with the applicable sections of the latest IDOT Standard Specifications for Road and Bridge Construction as follows:
 - a. Asphalt Pavements:
 - (1) Granular base course, CA6 having minimum thickness of eight inches (8") or the existing base course thickness whichever is thicker.
 - (2) Hot-mix asphalt surface course mix "C", N50 having minimum thickness of three inches (3") or the existing pavement thickness whichever is thicker.
 - b. Concrete Pavements:
 - (1) Granular base course, CA6 having minimum thickness of eight inches (8") or the existing base course thickness whichever is thicker.
 - (2) Portland cement concrete pavement of the type and thickness of the existing pavement.
 - c. Curb, Gutter, Sidewalk:
 - (1) Match existing in type, material, and dimension.
5. Directional Bore Requirements:
 - a. All directional bored utilities shall have a minimum of four feet (4') of cover between the utility and the road surface. Directionally bored utilities shall have a minimum of three feet (3') of cover between the utility and ditch bottoms.
 - b. Directional bore pits shall be located, at least, ten feet (10') off the edge of road pavement in rural sections and six feet (6') behind the back of curb in urban sections.
 - c. The applicant shall be responsible for correction of any distortion caused by his operation of any road or street. The method of correction shall be approved by Village Engineer.
 - d. Allowed Pipe Materials:
 - (1) High density polyethylene pipe (HDPE).
 - (2) Restrained joint PVC pipe.
6. Tracer Wire: A tracer wire shall be installed with the pipe regardless of pipe material. Tracer wire shall be 10-gage or larger solid hard drawn insulated copper wire.

L. Effect of Permit.

1. Authority Granted; No Property Right or Other Interest Created. A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Chapter on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.
2. Pre-construction meeting required. No construction shall begin pursuant to a permit issued under this Chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

3. Compliance with All Laws Required. The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules and regulations.

M. Revised Permit Drawings. In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within ninety (90) days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

N. Insurance. Required Coverages and Limits. Unless otherwise provided by franchise, license or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies-insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents and employees as additional insureds on the policies listed in paragraphs 1 and 2 below:

1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:
 - a. Five million dollars (\$5,000,000) for bodily injury or death to each person;
 - b. Five million dollars (\$5,000,000) for property damage resulting from any one accident; and,
 - c. Five million dollars (\$5,000,000) for all other types of liability;
2. Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars (\$1,000,000) for personal injury and property damage for each accident;
3. Workers' compensation with statutory limits; and,
4. Employer's liability insurance with limits of not less than one million dollars (\$1,000,000) per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

O. Change of Ownership or Owner's Identity or Legal Status.

1. Notification of Change. A utility shall notify the Village no less than thirty (30) days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Chapter, with respect to the work and facilities in the right-of-way.
2. Insurance And Bonding: All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

P. Removal, Relocation or Modifications of Utility Facilities.

1. Notice. Within 30 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.

2. 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:
 - a. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
 - b. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
 - c. If the facility was constructed or installed without prior issuance of a required permit in violation of this Chapter; or,
 - d. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.
3. 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.
4. 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 Village Director of Public Works or Village Engineer 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 .

Q. Violation: Any person, firm, or corporation who violates any provision of this section shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) and not to be lower than two hundred fifty dollars (\$250.00). Each day of violation shall constitute a separate offense. In addition to the penalties set forth herein, any person, firm or corporation who violates any provision of this section shall be liable for actual damages and restitution caused by work performed without the proper bonding or permit.

Section 2: Except as amended herein by this Ordinance, all other provisions of the Code of the Village of Williamsville, Williamsville, Illinois, as amended, shall remain in full force and effect.

Section 3: Any Ordinance of Section of the Village Code in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict. If any part of this Ordinance be held void, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

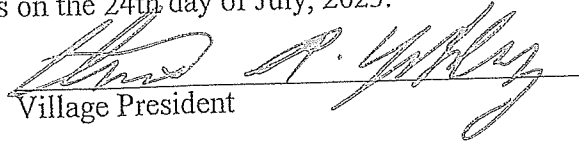
Section 4: This Ordinance shall take effect and be in force from and after its passage and approval as required by law pursuant to roll call vote as follows:

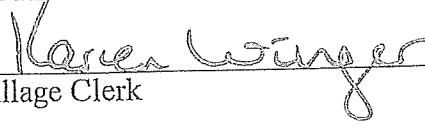
AYES: 6

NAYS: 0

ABSENT: 0

PASSED by the Village Board of Trustees of the Village of Williamsville, and filed in the Office of the Village Clerk of Williamsville, Illinois on the 24th day of July, 2023.


Village President

ATTEST:

Village Clerk