

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
DECEMBER 9, 2014 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Update to Village Code Chapters 7, 14 and 19	✓ Resolution Ordinance Motion Discussion Only	Enza Petrarca Village Attorney

SYNOPSIS

An ordinance has been prepared to amend Chapters 7, 14 and 19 of the Municipal Code concerning streets and sidewalks and the regulation of work by private entities within the Village rights-of-way.

STRATEGIC PLAN ALIGNMENT

The Goals for 2011 to 2018 include *Exceptional Municipal Services* and *Top Quality Infrastructure*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the December 16, 2014 consent agenda.

BACKGROUND

The purpose of this item is to update and simplify the permitting and bonding requirements for work in the public right-of-way, simplify the new sidewalk requirements for development on properties where no sidewalk currently exists, and strengthen the requirements for public safety and indemnification for private construction in the public right-of-way. In addition, these revisions would give the Village greater ability to remedy failed street patches created by the work of private entities, without expending Village funds. The substantive revisions are summarized as follows.

Chapter 7

Chapter 7 has been amended to require barricading for work done on public streets and sidewalks in order to ensure the safety of residents and prevent injury. Insurance requirements have also been amended to increase minimum coverages.

Chapter 14

Parking regulations during a snow emergency have been removed from Chapter 19 and placed into Chapter 14 which contains provisions for motor vehicles and traffic.

Chapter 19

19.9 through 19.12 – Moved sections to Chapter 14

19.14 – Updated requirements for access to unimproved streets and alleys

19.14.1 – The current ordinance creates some confusion as to when a new sidewalk or fee-in-lieu is required. The proposed revisions simplify and clarify the requirements for when a sidewalk permit is required and for when construction of a new sidewalk is required. The revisions shift the preference to fee-in-lieu rather than construction of small, potentially segregated sections of walk. To reflect this change, the fee will be reduced to represent the estimated cost to build a sidewalk as part of a new development, rather than the current method of charging the Village's average cost to construct a sidewalk after-the-fact, which is considerably higher. These changes will simplify the fee associated with new

sidewalk construction by private development, and will more accurately reflect a property owner's equitable share of new sidewalk construction. These revisions also shift oversight of the appeal process from the Plan Commission to the Village Manager.

19.14.2 – Updated and modified to disallow the construction of sidewalks which would create dead-ends or gaps which violate the Americans with Disabilities Act (ADA).

19.18 – Creates standards for installation of mailboxes in the right-of-way. The current ordinance does not place any restrictions or regulations on the construction of mailboxes in the right-of-way, which has allowed, in some cases, somewhat large, elaborate brick structures to be constructed which create safety concerns.

19.25 – Updated language regarding permit applicant's liability.

19.26 – Adds a requirement for a separate cash bond for any street opening, to be held for three years after acceptance of the work. This will give the Village the ability to enforce the three year warranty required for street patches by using the bond, without expending Village funds to repair failed patches that the contractor has failed to repair.

19.27 – Updated minimum insurance limit requirements.

19.28 – Moves fees to the administrative regulation. Also adds a re-inspection fee for work that fails inspection more than once, or for an inspection where the applicant or contractor fails to show up.

19.35 – Provides that fees shall not be refundable after a permit has been issued.

19.44 – Updated requirements for traffic/pedestrian control when working in public rights-of-way.

19.45 – Clarified pavement restoration requirements.

ATTACHMENTS:

Ordinance revising Chapter 7, Buildings

Ordinance revising Chapter 14, Motor Vehicles and Traffic

Ordinance revising Chapter 19, Streets and Sidewalks

Snow Plowing

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING PARKING REGULATIONS
DURING A SNOW EMERGENCY**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by shading/underline; deletions by ~~strikeout~~):

Section 1. That Section 14.98.4. is hereby added to read as follows:

14.98.4. Emergency during a snow storm - No Parking.

(a) An emergency is declared to exist within the Village whenever snow falls to a depth of three inches (3") or more during any period of twenty-four (24) hours or less. Such emergency shall continue to exist for a period of forty-eight (48) hours or until such earlier time as snowplowing and removal operations have been declared completed by the Director of Public Works.

(b) During a snow emergency it shall be unlawful for any person to park or cause to be parked any vehicle of any kind or description on any public parking lot or any street between the hours of 9:00 P.M. and 6:00 A.M.; provided that vehicles may be stopped not longer than five (5) minutes for loading or unloading of passengers or thirty (30) minutes for loading or unloading of materials at all places where such parking is otherwise permitted.

(c) Whenever any law enforcement officer or employee of the Village shall find a vehicle standing upon a street or public parking lot in violation of this Section he may request the owner or operator to move or cause the same to be moved to a location not in violation of such section. In the event of failure on the part of such owner or operator to move such vehicle or in the event such owner or operator cannot be found, such officer or employee shall cause such vehicle to be removed and impounded and held until such time as the costs for removal and impounding shall be paid by the owner or operator.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk