

ORDINANCE NO. 580

VILLAGE OF BELLEVUE, ILLINOIS

AN ORDINANCE REGULATING THE USE AND MAINTENANCE  
OF DRIVEWAYS AND SIDEWALKS

WHEREAS, the Village of Bellevue ("Village") Board of Trustees has determined that the health and welfare of the citizens of the Village will be served by adopting a comprehensive driveway and sidewalk ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

I. **GENERAL PROVISIONS.**

1. **DEFINITIONS.**

For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**1.01. ACCEPTED PUBLIC STREET.** Any street duly accepted by the Board of Trustees of the Village for maintenance by the Village.

**1.02. ALLEY.** A strip of land along the side of or in the rear of properties, intended to provide access to these properties.

**1.03. APPROVED STREET.** Any street, whether public or private, meeting standards and specifications of the Village.

**1.04 COLLECTOR STREET or SECONDARY STREET.** Those existing streets designated as such on the Official Plan of the Village.

**1.05. CROSS-WALKWAYS.** A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

**1.06. CUL-DE-SAC.** A street having one open end and being permanently terminated by a vehicle turnaround.

**1.07. EASEMENT.** A grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

**1.08. FRONTAGE.** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is a dead end, then all the property abutting on one side between an intersecting street and the dead end

of the street.

**1.09. FRONTAGE ROAD.** A public or private marginal access roadway or paved parking lot containing the necessary driveways or traffic ways which are located along the frontage of multiple-family, business, or industrial zoning districts with regulations for purposes of establishing minimum distances between points of access to the accepted street, and eliminating parking of motor vehicles on the accepted public street.

**1.10. IMPROVEMENT (PUBLIC IMPROVEMENT).** Any facility for which the Village or other municipal body may ultimately assume the responsibility for maintenance and operation or which is constructed for general public use or benefit.

**1.11. INDUSTRIAL STREET.** Any street included in any subdivision or plot of ground to be used for industrial purposes as defined in the Zoning Code of the Village.

**1.12. INTERSECTION STREET.** The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

**1.13. LOT.** A parcel of land in a subdivision separated from other parcels or portions by virtue of a plat of subdivision recorded with the appropriate county office, and identifiable by reference to said plat of subdivision and not dependent for such identification by metes and bounds.

**1.14. MAJOR STREET.** See **PRIMARY STREET**.

**1.15. MARGINAL ACCESS STREET.** A street which is parallel to and adjacent to primary streets and highways, and which provides access to abutting properties and protection to local traffic from fast, through-moving traffic on the primary streets.

**1.16. MINOR STREET.** A street intended primarily as access to abutting properties.

**1.17. OWNER.** The individuals, firms, associations, syndicates, co-partnerships, corporations, trusts, or any other legal entities having sufficient proprietary interest of record in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under the statutes of the state or under the ordinances of the Village.

**1.18. PRIMARY STREET.** A street of considerable continuity which serves or is intended to serve as a major traffic artery between the various sections of the Village area as shown on the Major Thoroughfare Plan, made a part of the Official Plan.

**1.19. PUBLIC AGENCY.** Any public board created by authority of the Illinois Revised Statutes.

**1.20. PUBLIC STREET.** All primary, secondary, and minor streets which are dedicated for public use.

**1.21. ROADWAY or ROAD.** The paved areas existing on the street right-of-way and not the street right-of-way width.

**1.22. STREET.** The width of the street right-of-way or easement whether public or private, and shall not be considered as the width of paving or other improvement on the street right-of-way.

## **2. PUBLIC WORKS DEPARTMENT; SUPERINTENDENT.**

(A) All public streets, alleys, sidewalks, and other public ways in the Village shall be under the supervision of the Superintendent of Public Works. The Superintendent shall have supervision over all work thereon, and the cleaning thereof. It shall be the duty of the Superintendent and all employees of said Department to enforce all the provisions of this Ordinance and to observe, obey, and carry out the orders and directions of the Board of Trustees.

(B) The Superintendent and employees of the Public Works Department shall receive as compensation for their services, amounts to be fixed by the Board of Trustees from time to time.

## **3. CONSTRUCTION SPECIFICATIONS.**

All street and sidewalk pavements shall be made in conformity with specifications laid down or approved from time to time by the Board of Trustees.

## **4. CONSTRUCTION PERMITS REQUIRED.**

It shall be unlawful to construct, lay, disturb, or alter any public street, sidewalk, alley, or other public way, or to repair the same, without first having secured a permit therefor as set forth in Sections VI-1 and VI-2 of this Ordinance.

## **5. REPAIRS.**

All public streets, alleys, and sidewalk pavements shall be kept in good repair. Such repair work, whether done by the Village or by the abutting owner, shall be under the supervision of the Superintendent of Public Works. Maintenance of any culvert, drain or pipe located in a drainage ditch within the right-of-way or easement shall be the responsibility of the owner. Notwithstanding the foregoing, the Village shall, at its cost, replace any culvert, drain or pipe located in a drainage ditch within the right-of-way at the end of the useful life of such culvert, drain or pipe.

**6. DEFECTS.**

It shall be the duty of every Village officer or employee, becoming cognizant of any defect in any street, alley, or sidewalk, or any obstruction thereof, to report the same to the Superintendent of Public Works and Board of Trustees as soon as possible.

**7. OBSTRUCTION.**

It shall be unlawful for any person, firm, or corporation to cause, create, or maintain any obstruction, such as but not limited to signs, tree and bush limbs, rocks, boulders, or fencing, of any street, road, right-of-way, alley, sidewalk, or other public way, or otherwise create any immediate or potential hazard, whether visual or physical, to any pedestrian or vehicle upon said street, road, right-of-way, alley, sidewalk or other public way.

**8. PRIVATE USE.**

It shall be unlawful for any person, firm, or corporation to use any street, sidewalk, or other public place as space for the display or sale of goods or merchandise; or to write or mark any signs or advertisements on any such pavements.

**9. ENCROACHMENTS.**

It shall be unlawful for any person, firm, or corporation to erect or maintain any building or structure which encroaches upon any public street or property.

**10. GASOLINE PUMPS.**

It shall be unlawful to maintain or erect any gasoline pump or tank in any public street, alley, or sidewalk without having first obtained a permit therefor from the Village of Bellevue Board of Trustees.

**11. DRAINS.**

It shall be unlawful to obstruct any drain in any public street or alley.

**12. OPENINGS IN STREETS.**

It shall be unlawful to construct or maintain any opening or stairway in any public sidewalk, street, or alley without a permit from the Village of Bellevue Board of Trustees. All such lawfully maintained openings shall be guarded and shall conform to the requirements of this Ordinance, subject to approval of the Superintendent of Public Works.

**13. DEDICATIONS AS A REQUIREMENT FOR ISSUANCE OF BUILDING PERMIT.**

(A) The dedication of a strip or strips of land for street purposes shall conform to the applicable rules and regulations of the Village.

(B) No building permit shall be issued for the construction of any residence or other building on any property until the owner or owners thereof shall have dedicated for street purposes a strip or strips of land not less than 30 feet in width of the boundary line or lines thereof as shall from time to time be determined by the Board of Trustees and until such land has been duly approved and accepted by the Village.

**14. FIRES IN STREETS; BURNING LEAVES OR RUBBISH.**

(A) It shall be unlawful for any person, firm, or corporation or unincorporated business entity to build or set any fire of any accumulation of grass, shrubbery cutting, leaves, tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees, or garbage, sludge from waste treatment, water supply treatment or solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, agricultural, or residential operations, on or near any street, road, right-of-way, sidewalk, alley, drainage ditch or other public place. However, where any drainage ditch is immediately contiguous with the premises where such grass, shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawn, shrubbery, vines and trees were produced by nature, then the burning of such landscape waste in said drainage ditch shall be permissible if residue of such fire is removed from said drainage ditch within 48 hours of the setting of said fire.

(B) It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard, or to store any refuse of any kind on any street, alley, or other public place.

**15. INJURIES TO PAVEMENT.**

(A) It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft newly laid pavement.

(B) It shall be unlawful to injure any sidewalk, street, or alley pavement.

**16. DEPOSITS ON STREETS OR SIDEWALKS.**

It shall be unlawful for any person, firm, or corporation to deposit, spill, or track any material on any street or sidewalk which may be harmful to the pavement thereof, or other articles or waste material which may do injury to any person, animal, or property, including glass, dirt, clods, cement, or mud.

**17. SNOW ON STREETS AND SIDEWALKS.**

It shall be unlawful to deposit any snow on any street, sidewalk, or public way whether said snow be deposited by plowing, shoveling, scraping, by use of a snow blower, or in any other manner.

**18. MERCHANDISE FOR DELIVERY.**

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width of the walk is not thereby reduced to less than four feet, and provided that no articles shall remain on such walk for more than one-half hour.

**19. POLES AND WIRES; TREE TRIMMING.**

(A) It shall be unlawful to erect or maintain any poles or wires on or over any public street, alley, or other public way without having first secured permission from the Board of Trustees. All persons, firms, or corporations having such permission shall conform to the rules and regulations of the Village as may be required.

(B) Any person, firm, or corporation given the right to maintain poles and wires in the streets, alleys, or other public places in the Village shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Superintendent of Public Works, so that no injury shall occur either to the poles or wires or to the shrubs and trees by contact.

**20. GAS PIPES.**

Any person, firm, or corporation maintaining any gas pipe in the Village shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

**21. INTENTIONALLY LEFT BLANK.**

**22. STREET LIGHTS.**

(A) Any person or firm may apply to the office of the Superintendent of Public Works to request that the Village undertake the cost (including cost of electricity) of maintaining street lights installed within the Village, provided that:

(1) The person or firm making application has been instrumental in contracting for the erection of said street lights and the payment thereof;

(2) The person or firm has incurred the cost for the maintenance and the electricity for the street lighting caused to be erected for a period of time not less than two years;

(3) The street lighting shall be in conformity with specifications set forth or approved from time to time by the Board of Trustees of the Village.

(B) In those instances where the street light criteria as set forth in division (A) have been met, the Department of Public Works shall accept the responsibility of maintaining said street lights, and the applicant shall be so notified.

## **23. GAMES; PLAYING IN STREETS.**

It shall be unlawful to play any games upon any street, alley, or sidewalk, where such games interfere with traffic or pedestrians.

## **24. GLASS, NAILS IN ROAD.**

It shall be unlawful to cast, throw, or propel any missile on any street, alley, or public place; and it shall be unlawful to throw or deposit any glass, nails, tacks, or other similar articles on any street, sidewalk, or other public place.

## **25. SCAFFOLDING OR LADDERS.**

Any scaffolds or ladders placed in such a position that they overhang or can fall onto any public street, alley, or other public place in the Village shall be firmly and properly constructed and safeguarded. It shall be unlawful to place or leave any tools or articles on any such place in such a manner that the same can fall onto such street, sidewalk, or other public way from a greater height than four feet.

## **26. DRAINAGE DITCHES.**

(A) All drainage ditches within the right-of-way shall be maintained by the person, firm or corporation whose property adjoins said drainage ditch and shall maintain said drainage ditch free from any refuse, and shall periodically cut all plant material to a maximum height of six inches.

(B) It shall be unlawful to install any culvert, drain, pipe, stone or other material into any drainage ditch within the right-of-way without written application to and approval from the Superintendent of Public Works.

(C) Any installation into the drainage ditch, or lack of property owner maintenance of the drainage ditch within the right-of-way or easement that results in or threatens the flooding or obstruction to natural drainage, or other damage associated with excess water collection or detention in said drainage ditch; or that promotes or threatens to promote the growth of algae or any genus of marsh type plant, shall be removed or corrected upon notice by the Superintendent of Public Works or any other Village official, by its' installer or owner of said premises. In the event the installer or owner fails to remove or correct the condition of the drainage ditch within thirty (30) days after deliver of such notice, the Village may take any corrective actions it deems necessary and appropriate, in which case the owner of said

premises shall promptly reimburse the Village for the full cost of such repairs or maintenance. In the event the charges for such repairs or maintenance are not paid within 30 days after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquency shall constitute a lien upon the real estate for which such service is supplied, and the Village Clerk is hereby authorized and directed to file lien for and on behalf of the Village showing such delinquency in the office of the Recorder of Deeds of Peoria County, Illinois.

## **II. ADVERTISEMENTS AND NOTICES**

### **1. OFFENSIVE HANDBILLS.**

No person shall post, hand out, distribute, or transmit any sign or any commercial or noncommercial handbill which:

(A) May reasonably tend to incite riot or other public disorder; advocates disloyalty to or the overthrow of the government of the United States or of this state by means of any artifice, scheme, or violence; urges any unlawful conduct; or encourages or tends to encourage a breach of the public peace or good order of the community.

(B) Contains obscene (according to the United States Supreme Court standards of obscenity), libelous, or scurrilous language.

### **2. POSTING ADVERTISEMENTS OR NOTICES.**

No person shall post, stick, stamp, paint, or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement, or other paper or device to or upon any sidewalk, crosswalk, curb, or any portion or part of any public way or public place, or to any lamp post, electric light, telephone pole, railway structure, hydrant, tree, shrub, bridge, viaduct, or other public structure, building, or fire alarm except such as may be authorized or required by law or ordinance.

### **3. PLACING HANDBILLS ON VEHICLES.**

No person shall deposit or throw any commercial or noncommercial handbill in or upon any vehicle. This section does not prohibit the distributing of any noncommercial handbills to the owner or other occupant of any automobile or other vehicle who is willing to accept the same.



### **III. DRIVEWAYS**

#### **1. DRIVEWAY REQUIRED; PERMITS.**

Every parcel of real estate that is improved with a residential structure shall have a driveway, which shall be constructed at the expense of the owner. No person, firm, or corporation shall construct a driveway for vehicles across any public sidewalk or parkway in the Village without having first obtained a permit therefor. Applications for such permits shall be made to the Village Clerk. No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served, shall be issued except upon the order of the Building Inspector. Any person constructing a driveway under any permit shall save and keep the Village free, clear, and harmless from any loss or liability on account of any accident or damages resulting from such occupation or use. The Building Inspector shall inspect the construction of said driveway. All construction shall conform to all rules and regulations of the Village.

#### **2. CONSTRUCTION SPECIFICATIONS.**

(A) All driveways and vehicle parking areas shall be constructed using concrete, asphalt, paving brick or gravel. No driveway or vehicle parking area shall be constructed or graded as to leave a step, sharp depression or other obstruction in any sidewalk. The grade of any driveway or parking area shall be as nearly as possible the same as that of any adjoining sidewalk. It shall be unlawful to construct or finish the surface of any driveway or vehicle parking area in any slippery or hazardous material, or to have the grade of the area adjoining a sidewalk vary from the grade of the sidewalk, or be other than level. It shall be unlawful to construct or maintain a driveway or vehicle parking area without installing an adequate culvert in the street adjoining such driveway or vehicle parking area, unless the street has curb and storm sewer. The minimum culvert shall be a 12-inch TY-1 corrugated riveted metal pipe, unless other specifications are approved or required by the Superintendent of Public Works, and shall conform to all other rules and regulations of the Village.

(B) In those areas where driveways were in existence without culverts, and there is found to be a dangerous condition detrimental to the health and safety of the residents of the Village, the Superintendent of Public Works shall cause a notice in writing to be served to the owners of such real estate setting forth:

- (1) Nature of the hazard;
- (2) Description of the remedial work to be accomplished;
- (3) Estimate of cost to repair (if the Village has obtained such an estimate);

and

- (4) Date on which the owner is to have repair work completed (which date shall not be less than 30 days subsequent to the date of the notice).

In the event the work is not completed on the date set forth in the notice, the Village shall be entitled to complete said work. In the event the charges for service are not paid within 30 days after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquency shall constitute a lien upon the real estate for which such service is supplied, and the Village Clerk is hereby authorized and directed to file lien for and on behalf of the Village showing such delinquency in the office of the Recorder of Deeds of Peoria County, Illinois.

### **3. DRIVEWAY APPROACHES.**

(A) Driveway approaches shall be the responsibility of the builder and shall be completed, inspected and approved by the Building Inspector prior to the issuance of an occupancy permit.

(B) All driveway approaches shall extend from the edge of the road pavement to the lot line of the parcel and shall be constructed in accordance with the specifications set forth by the Village.

### **4. CROSSING SIDEWALKS.**

Driveways across sidewalks shall be constructed of concrete or such other materials as may be approved by the Board of Trustees.

### **5. MAINTENANCE.**

It shall be the duty of the person maintaining a driveway to keep the same in good repair where it crosses the sidewalk, and to keep the driveway and culvert free from obstruction.

### **6. PARKING**

It shall be unlawful to park any automobile, motorcycle, recreational vehicle or any other motorized vehicle on any surface other than the paved street or the driveway required in Section III-1.

## **IV. SIGNS AND AWNINGS**

### **1. PERMIT; ANNUAL FEE.**

No person, firm, or corporation shall maintain any sign or signboard or rigid canopy extending over any street, sidewalk, or other public way in the Village without obtaining a permit therefor as herein provided. Permits for such signs shall be issued by the Village Clerk upon payment of the fees provided by the Board of Trustees, and shall designate the location of the proposed sign. No rigid canopy permit shall be issued except upon approval of the Board of Trustees. Any person maintaining any sign, signboard, or rigid canopy over any street, sidewalk, or public way, under any permit, shall save and keep the Village free, clear,

and harmless from any loss or liability on account of any accident or damages resulting from such occupation or use. All signs and awnings shall conform to all rules and regulations of the Village.

**2. TEMPORARY PERMIT.**

Temporary permits may be issued for the maintenance of a temporary sign for a short time, upon the payment of a fee provided by the Board of Trustees for each week or fraction thereof that such sign is maintained.

**3. CONSTRUCTION.**

All signs and awnings extending over any street, alley, or other public place must be securely fastened and constructed so that there will be no danger of the same being dislodged by ordinary winds or falling from any other cause.

**4. PERMIT TERM.**

The period for which permits required herein shall run shall be the same as the general license year.

**5. HEIGHT ABOVE PUBLIC WAY.**

The lowest part of any such sign or awning or its support which extends over any public way shall be at least eight feet above the level of the walk or public way over which it extends; but no such sign shall be maintained over any public way used by vehicles if any part of its support or if the sign is less than 15 feet above the level of such public way.

**6. INSPECTION.**

It shall be the duty of the Building Inspector to inspect at regular intervals every sign, awning, or canopy which extends over any sidewalk, street, alley, or public way in the Village. If any such sign is found to be insecurely fastened, he shall report this fact to the owner of the sign or to the owner or occupant of the premises on which it is fastened. If the sign is not made secure within ten days after such notice, it may be torn down upon the order of the Village President.

**V. SAFETY REGULATIONS**

**1. BARRICADES.**

Any person, firm, or corporation laying or repairing any pavement on a street, sidewalk, or

other public place, making an excavation or tunnel, maintaining any opening or stairway, or maintaining any piece of equipment on any Village street, sidewalk, thoroughfare, or public property in the Village shall provide and maintain suitable protective devices such as traffic cones, covers, railings, and barricades with night lights in order to prevent injury to any person or vehicle by reason of the work.

## **2. DEFECTS IN PAVEMENT.**

Defects in any pavement shall be barricaded to prevent any injury. Any person, firm, or corporation properly maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open by protective devices as set forth in Section V-1 of this Ordinance and shall have adequate liability insurance coverage to protect the Village.

## **3. DISTURBING BARRICADES.**

It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement, excavation, or opening in any public street, alley, or sidewalk.

## **4. FLAGMEN.**

At all times during which workers and/or equipment are working on or near any public roadway, street, alley, or other public place, other than employees or agents of the Village, the firm, person, or corporation so engaged in such road work, excavation, tree felling, or branch trimming or removal shall furnish flagmen in such numbers as necessary to provide proper and adequate protection to vehicular traffic, pedestrians, or persons in the immediate vicinity or "danger zone".

## **5. NOTICE TO POLICE.**

Any person, firm, or corporation who makes any excavation or tunnel in or under any street, alley, or public place; engages in the removal or trimming of any tree or bushes; or engages in any other project that causes obstruction or renders impassable any street, alley, road, or public place, shall:

- (A) Notify the police at least 24 hours in advance.
- (B) Provide suitable warning devices, as stated in Section V-1 of this Ordinance.
- (C) Notify the police at the time any road or thoroughfare is closed to vehicular traffic.
- (D) Notify the police at such time as the road or thoroughfare has been re-opened to vehicular traffic.

## **VI. EXCAVATION AND CONSTRUCTION REQUIREMENTS**

### **1. PERMIT REQUIRED.**

It shall be unlawful for any person, firm, or corporation to make any excavation in any street, alley, or public place; to tunnel under any street, alley, or public place; or to lay any pavement in the Village without first having obtained a permit as herein required or without complying with the regulations herein contained.

### **2. APPLICATION.**

Applications for such permits shall be made to the Village Clerk, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose therefor, the person, firm, or corporation doing the actual excavating, the name of the person, firm, or corporation for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances relating to the work to be done. No such permit shall be issued except on the order of the Building Inspector and the Superintendent of Public Works. No such permit shall be issued unless and until the applicant therefor has complied with all requirements or applicable rules and regulations of the Village.

### **3. TUNNELING.**

Tunneling for a distance of not greater than six feet away may be permitted in yards, courts, or driveways of a building site. All excavations required for installation of a building sewer system, or any part thereof, within the walls of a building shall be open trench work. All trenches and tunnels shall be kept open until piping has been inspected, tested, and approved.

### **4. BACKFILLING—INTENTIONALLY LEFT BLANK.**

### **5. COMPACTING.**

Trench backfill shall be compacted by water jetting the ditches. The method of jetting the ditches shall be by placing a one inch or larger steel pipe to within two feet of the bottom of the trench at intervals not to exceed 20 feet and allowing the water to saturate the ditch until the excess water comes to the surface of the ditch section. The compacting method prescribed herein shall be strictly adhered to. Any variance from the prescribed method shall be with the approval of the Superintendent of Public Works or the Superintendent's representative only. In lieu of the prescribed method of compaction, the trench shall be backfilled and hand or mechanically tamped in one-foot layers.

## **6. TRENCHES UNDER PAVED AREAS.**

Any trenching done under a paved area, including areas where a driveway or sidewalk will be installed, shall be restored using flowable backfill, so that pavement can be placed immediately.

## **7. RESTORATION.**

(A) All surfaces, streets, pavements, ditches, lawns, and the like shall be restored to their original state or better. Any variance from this procedure must be by written request and approval only. Requests must be made to the Superintendent or his representative and shall state the reasons for variations and the alternate plans for restoration.

(B) All drain tile encountered in trenching or excavating for a sanitary sewer connection shall upon completion of the sewer tile or pipe, be restored to its original condition and caused to operate to the satisfaction of the Superintendent of the system.

(C) Any person, firm, or corporation making any excavation or tunnel in or under any street, alley, sidewalk or public place in the Village shall restore said street, alley, sidewalk or public place to its original condition, including the surfacing, which shall be done promptly upon the completion of the work for which the excavation or tunnel was made. Any such restoration involving a street or alley shall extend to the center of the paved surface of the affected street to the curb and at least three (3) feet in each direction from the perimeter of the excavation. Any finished paved surface shall be rolled (not tamped) and the bedding of any underground pipe impacted shall be backfilled using flowable backfill.

(1) In case of any unreasonable delay in so doing, the Village President shall give notice to the person, firm, or corporation that unless the excavation or tunnel is refilled with sand and the surface re-laid so as to be in the same condition as it was prior to the excavation within ten days, then the Village will do the work and charge the expense of doing the same to such person, firm, or corporation.

(2) If within the time mentioned the conditions of the above notice have not been met, the work shall be done by the Village, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, or corporation who made the excavation or tunnel.

## **8. SUBMISSION AND APPROVAL OF SKETCH.**

(A) A neat, proportional, legible sketch shall be prepared and submitted to the Village offices and shall have the approval of the Superintendent of Public Works. It shall contain all pertinent facts, information, and measurements to be taken during and upon completion of construction. This sketch or "As Built", shall contain the present owner's name, the street address of the construction site, and adjoining roads, driveways, walkways, and buildings. The sketch shall show and describe any and all materials, connections, piping (existing or installed), methods of connection made, depths of various piping and connections, and triangulation of "main" connections and stub ends. Triangulations are to be taken from permanent installations such as permanent buildings, fire hydrants, manholes, and the like, and shall show the point at which the measurement was taken. The sketch shall also contain all relevant information as to house connections, existing septic systems, and grease traps that should be encountered during construction and what steps were taken, if any, to eliminate the latter.

(B) The above information shall be kept on file for future reference, along with other relative information, including permit records and the like.

## **9. COMPLETION OF WORK.**

When the work is completed, all surplus material, earth, rubbish, and the like shall be removed, and the area disturbed by construction shall be left in as good condition as it was before the commencement of the work.

## **10. OCCUPATIONAL SAFETY HAZARD ACT REQUIREMENTS.**

Trenches and excavations for a sanitary sewer and water system shall be in accordance with the Occupational Safety Hazard Act and any other requirements or applicable rules and regulations of the Village.

## **11. INSPECTIONS.**

(A) The Superintendent of Public Works shall from time to time inspect or cause to be inspected all excavations and tunnels made in or under any public street, alley, or other public place in the Village to enforce the provisions of this Ordinance.

(B) The work of refilling any such tunnel or excavation shall not commence until such an inspection has been made and approval given.

(C) The Superintendent shall be notified when any such tunnel or excavation is ready for inspection no less than 24 hours in advance between the hours of 9:00 a.m. and 12:00 noon daily, Monday through Friday.

## **12. RESURFACING.**

Prior to the installation of a plant-mix bituminous surface, a street or roadway will be inspected by the Village Engineer and Superintendent of Public Works. Streets and roadways shall be upgraded as necessary to insure an adequate base, proper ditching, and drainage. Existing streets and roadways having a width of not less than 20 feet shall be eligible to receive plant-mix bituminous surfaces.

## **VII. COST RECAPTURE**

### **1. PREREQUISITE FOR BUILDING PERMIT.**

In those instances where the Village has constructed or otherwise contracted for the construction of a street or has an active recapture agreement for a privately constructed street on previously dedicated property, no building permit shall be issued for the construction of a residence or other building on property adjacent to said street until the owner or agent of said adjacent property has reimbursed, in full, the Village for a proportionate share of the cost of construction of said street or streets as set forth in Section VII-2, below.

### **2. STREET PROPERTY CHARGE.**

(A) With respect to property on both sides of the street lying adjacent to a street constructed by the Village, there shall be a minimum charge (hereinafter designated a "street property charge") of \$21 for each foot abutting a gravel street constructed by the Village and \$32 for each foot abutting a blacktop street constructed by the Village. Such street property charge (which does not include the cost of the driveway culvert) shall reimburse the Village for the cost of constructing said street. If the street constructed by the Village includes storm sewers required for proper drainage of said street and abutting properties, the street property charge shall be \$46 per foot for gravel streets and \$57 per foot for paved streets.

(B) In no event is this subsection to be construed as obligating the Village to construct new streets in areas not now served where the cost of said construction is not feasible or where the street property charge herein set forth will not adequately reimburse the Village for the cost of such construction in the immediate future.

### **3. ADDITIONAL CHARGES.**

The sums herein provided to be paid as street property charges shall be in addition to and exclusive of all other charges required and affixed by ordinance for other Village improvements. Further, this provision for the construction and pavement of new streets shall be considered to be an alternative method of financing and constructing streets within the Village and shall not be deemed to supersede other ordinances of the Village relative to the construction of streets.

### **4. CORNER LOTS.**

(A) The property owner who has previously paid in full the front footage charge for road improvements shall be allowed a footage credit up to, but not to exceed 135 feet, for road improvements when constructed on the second side of their property.

(B) This credit shall be calculated on a footage basis rather than a monetary value as road frontage rates change from time to time. Further, frontage credit allowed on the second side of property shall not exceed the number of feet paid for under the first improvement.

(C) In the event of subsequent subdivision, the credit shall only apply to the new corner lot. Undeveloped non-corner lots created by such subdivision shall be charged, in full,



the front footage charge for road improvements.

(D) Credit will only be given for exactly the same improvement.

(E) This section shall in no way be construed to eliminate all property charges on the second side of a corner lot where improvements are made.

(F) In no event is this section to be construed as obligating the Village to construct new improvements in areas not now served.

(G) The Village Clerk shall keep full and complete records with regard to such properties, and credit allowed to such.

## **5. STREETS AND STORM SEWER EXTENSIONS.**

(A) A property owner, hereinafter sometimes referred to as "the licensee," with the approval of the Village shall be entitled to construct streets and storm sewer extensions benefiting not only the property owner making application but other property owners benefited by said construction.

(B) Said property owner shall be entitled to recapture that portion expended for the benefit of other property owners provided in the model agreement, as shown in Appendix § 2 following this Ordinance, executed between the Village and the property owner which includes provisions covering the following items:

(1) Date of commencement and date of completion.

(2) Legal descriptions of the properties benefited, specifying which have and have not contributed to the costs.

(3) Exact location of mains and/or extensions.

(4) The exact amount to be reimbursed under recapture. This amount is to be the exact, documented, direct expense of said construction less the prorated amount of benefit to the licensee based on actual front footages of all properties benefited as recorded.

(5) Construction shall be in accordance with §§ 52.110 and 52.111.

(6) The completed construction shall be deeded to the Village upon completion of the work.

(7) The licensee shall be responsible for all repairs and maintenance for one year following the completion of the extension and bear the costs of the same during said period.

(8) The licensee shall file with the Village Clerk suitable evidence that the Village is protected by surety bond or by suitable liability insurance against all claims for personal injuries and property damage.

(9) Provision for disposition of amounts received.

(10) All funds collected by the Village for the benefited properties shall be promptly paid to the licensee up to the amount to be reimbursed. Additional funds collected shall accrue to the Sewer and Water Fund or the General Fund.

## **VIII. STREET CONSTRUCTION FOR NEW HOMES**

### **1. REQUIREMENTS.**

(A) When a person constructs one or more homes in a single block of a previously platted subdivision, that person shall improve the street roadway in accordance with the requirements given herein and shall connect said street roadway to a primary street as defined in Section I-1-1.18 of this Ordinance, said connection being in accordance with the requirements given herein.

(B) All materials and construction procedures shall be in accordance with the "Standard Specifications of Road and Bridge Construction," State of Illinois, Department of Transportation, adopted July 1, 1976, or the latest revision thereof.

(C) General plans for roadway improvements shall be submitted with the application for a building permit. Building permits shall not be issued until roadway improvements are complete or a sum of money equal to 125% of the estimated cost of the street is put into escrow.

(D) The line and grade as well as drainage provisions of the proposed roadway shall be subject to the review of the Village Engineer and the Public Works Superintendent.

(E) When roadway construction is completed, an inspection by the Superintendent of Public Works and the Engineer shall be requested. The inspection shall be performed between 20 and 35 days after the date of request. The purpose of this time lapse is to allow some exposure to weather and traffic. Any defects noted during the inspection shall be remedied within 30 days after written notice by the Superintendent or the Village Engineer. When the corrective work has been performed to the satisfaction of the Superintendent and the Engineer, the Village Board of Trustees may grant tentative approval. At this time, monies escrowed as security against road construction will be released. The developer will be required at the same time to post a corporate surety bond in the amount of 10% of the cost of roadway construction to guarantee maintenance of the roadway for a period of two years from the date of tentative acceptance. Cash or suitable bank letter of credit may be substituted for the surety bond. When the aforesaid two years has lapsed, the Superintendent and the Engineer shall perform a final inspection. Any remaining defects shall be remedied within 15 days of final inspection. When this corrective work has been performed, the Village Board shall grant final acceptance, and at that time the surety bond shall be released. Where unusual conditions so warrant, the Village Board may alter the terms set forth in this section.

(F) Where it is intended that sanitary sewers, storm sewers, and/or water mains be constructed as part of the complete street improvement, subgrade and ditches shall be cut in prior to sewer and water main construction.

**2. AUTHORITY.**

Nothing contained in this Section shall be construed so as to circumvent the subdivision requirements of Village.

**3. PENALTY.**

Any person violating any provision of this Ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense plus the cost to the Village for repair or correction of the violation, and a separate offense shall be deemed committed on each day during or on which a violation occurs.

**IX. EFFECTIVE DATE**

This Ordinance shall become effective upon adoption by the Board of Trustees and publication by the Village Clerk.

PASSED AND APPROVED THIS 24 DAY OF APRIL, 2006.

6 AYES

0 NAYS

0 ABSENT

VILLAGE OF BELLEVUE, ILLINOIS

By: Ralph E. Wilson  
Ralph E. Wilson, President

Attest: Carol A. Howard  
Carol A. Howard, Village Clerk