ORDINANCE NUMBER: 21-16

AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS AMENDING THE MUNICIPAL CODE BY AMENDING TITLE VI—PUBLIC WAYS AND PROPERTY, CHAPTER 1—STREETS, SIDEWALKS AND PUBLIC WAYS, SECTION 6-1A-1.—CONSTRUCTION REQUIREMENTS AND SPECIFICATIONS

WHEREAS, the Village of Poplar Grove, Illinois ("Village) is a municipality organized in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations governing the use of public right-of-way and that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village uses the public rights-of-way within its corporate limits to provide essential public services to its residents and businesses, including traffic control, signs, water, sanitary sewer and storm sewer; and

WHEREAS, the Village desires to regulate the construction requirements, permitting process, and specifications of sidewalks and driveways within the Village boundaries; and

WHEREAS, the Village hereby finds that it is in the best interest of the Village, and the public to identify requirements and standards for the construction requirements and specifications of sidewalks and driveways within the Village boundaries.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Poplar Grove, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.

2. That Title VI—Public Ways and Property, Chapter 1—Streets, Sidewalks and Public Ways, Section 6-1A-1. —Construction Requirements and Specifications of the Village Code of Ordinances be amended as follows (deletions as strikethroughs, new language as bold and underlined):

   "Section 6-1A-1**(a)**. —Construction Requirements and Specifications**, Sidewalks.**

   A. General. The following specifications, rules and regulations shall govern the construction, reconstruction or repair of sidewalks and shall be in addition to the state of Illinois standard specifications for road and bridge construction, **latest edition** hereafter referred to as state standard specifications, 4-2-4-001 and subsequent revisions, and the American Disabilities Act. The contractor shall furnish the workers' compensation as required by state law. **No permit shall be issued unless a performance bond, letter of credit, or other form of surety, acceptable to the Public Works Director or Village Engineer, subject to the review of the Village Attorney, is posted with the Village. The amount of such performance bond, letter of credit, or other form of surety shall be an amount equal to at least One Hundred Twenty percent (120%) of contract price**

or opinion of probable construction cost as approved by the Village. ~~A performance bond in the full amount of contract will be required.~~ Sidewalks shall be inspected and approved prior to concrete being poured.

B. Permit Application

Any person desiring to construct, lay, alter or repair/replace any permanent sidewalk on any public street or place in the Village shall, not less than Thirty (30) days before beginning such work, apply with the Village Clerk for a sidewalk permit, indicating therein, among other things, the location where the work is to be done, the length of sidewalk to be constructed, the estimated costs of the work, and the approximate timeframe of when the work will begin and when the work will be completed. The fee for a sidewalk permit shall be set forth as in Resolution NO. 2018-07. No permit shall be issued unless a performance bond, letter of credit, or other form of surety, acceptable to the Public Works Director or Village Engineer, is posted with the Village. The amount of such performance bond, letter of credit, or other form of surety shall be an amount equal to at least One Hundred Twenty percent (120%) of the estimated costs of the work, or 120% of the Village Engineer's Opinion of Probable Construction Cost

No sidewalk permit shall be required for driveway repair/replacements that does not require any repair, replacement or alteration of any existing sidewalk that cross through the driveway.

C. Authority of Village Engineer or Public Works Director to stop construction or order reconstruction.

If any person builds, lays or relays, or attempts to build, lay, or relay, or knowingly assists in doing so, any public sidewalk, or portion of such sidewalk, without first obtaining a permit from the Village Clerk, or upon a grade contrary to that approved by the Village Engineer or Public Works Director or his/her designee, or any manner contrary to any of the provisions of the general ordinances of the Village, or the particular ordinances related to such sidewalk, the Village Engineer and Public Works Director or his/her designee are hereby authorized to stop any further work on such sidewalk and to cause such portion of the sidewalk as shall have been constructed to be reconstructed in accordance with the provisions of this Article or any other Village ordinance.

D. Obedience to Village Engineer and Public Works Director.

It shall be unlawful for any person to refuse to stop construction of any sidewalk or refuse to reconstruct such sidewalk when ordered to do so by the Village Engineer or the Public Works Director or his/her designee.

~~B~~**E**. Manner of Constructing Sidewalks and Driveways. The standard width shall be **five** ~~four~~ feet except in **previously approved four (4) feet sidewalk widths in existing**

Commented [CD1]: We should discuss the required width, and this section in general. Try walking side by side on a 4' wide sidewalk…its tight to say the least. I think the standard should be a 5' walk EXCEPT new walks in subdivisions that have previously been approved by the Village, or where areas of small repairs are being made (i.e., a couple of squares) in an existing 4' walk. All other walks should be 5', and there will be the need to transition between 4' and 5' walks. Again…we can discuss.

Commented [JK2R1]: other conflicts within the code may exist with the 4 ft requirement that would require amendment if we make this change.

commercial**, existing residential subdivisions,** and **existing** industrial areas where widths shall extend to curb line unless otherwise agreed between the owner and the Village; and at locations subject to reconstruction or repair of existing sidewalks, which are not of the above specified widths, the new construction shall conform with the existing widths unless, in the opinion of the Village Trustees, the width of four feet will be more suitable.

C**F**. Location and Grades. Sidewalks shall be laid with the ~~inside~~ **outside** edge one foot distant from the ~~street~~ **property** line of the lot, tract or parcel of land in front of which the same is to be constructed, or other ~~grade~~ **location** approved by the **Public Works Director or** Village Engineer, except that where the proposed sidewalk is to be constructed connects with an existing sidewalk or sidewalks and which do not conform to the line as described herein, the location of the said proposed sidewalk shall be laid to the line which will conform most favorably with the existing conditions. Sidewalks shall have a uniform downward slope of one ~~fourth~~ **eighth per** inch to the foot toward the center line of the street, or to the **cross** slope approved by the **Public Works Director or** Village **Engineer** ~~Trustees~~ and shall, when completed, at the inside edge, be at and conform to the grade for sidewalks at any point shown by profile thereof **as shown on the approved subdivision plans or as** prepared and filed ~~in the office of the Village Clerk~~ **with the Village,** which is hereby adopted as the sidewalk grade at said point. Where the ~~grade~~ **cross slope** of the new walk varies from the ~~grade~~ **cross slope** of the adjacent existing walk, a ~~construction joint (with expansion joint material~~ **transition~~)~~** shall be ~~placed one foot or more~~ **constructed** as prescribed by the ~~Village trustees from the existing walk~~ **Public Works Director or Village Engineer**. The sidewalk section between the existing walk and the construction joint shall be finished in a manner that will blend the two sidewalk surfaces together making smooth transition between the two grades**. An expansion joint shall be placed at all locations where new sidewalks meet existing sidewalks unless deemed unnecessary by the Director of Public Works or Village Engineer.**

G. Fees for subsequent inspections.

There is a seventy-five dollar ($75.00) fee which shall be charged for a sidewalk permit. The fee for sidewalk permits shall cover the administrative costs of issuing the permit and two inspections to ensure that the sidewalks will be and have been constructed in accordance with approved procedures as set forth in this Article. The expense of any subsequent inspections other than those provided for in this section, necessitated through the fault or error of the persons laying the sidewalks, shall be borne by such persons. Reimbursable hourly rates for Village Staff shall be charged for at the rate of Thirty-Six dollars ($36) per hour, which sum, when determined, shall be remitted to the Village prior to the release of any performance bond or surety. If the services of the Village Engineer are required, the Village Engineer's cost shall be reimbursed on a time and expense basis utilizing the current published hourly rate and reimbursable schedules.

~~D~~**H**. Subgrade Preparation. State standard specifications with a minimum ~~of four inches~~ **compacted base** of ~~granular bank gravel~~ **CA-6 aggregate as described in section J and K**.

~~E~~**I**. Forms. **Forms shall be placed in accordance with** State standard specifications.

~~F~~**J**. Thickness **Across Residential Driveways**. Sidewalks shall have a thickness of six inches across driveways for the full width of **a residential** driveway. The subgrade shall be prepared a minimum six inches below and parallel with the surface of the sidewalk and otherwise constructed as hereinbefore described; minimum of six inches of compacted base of ~~granular bank run gravel~~ **CA-6 aggregate**, 6" x 6" __#6 mesh **or** reinforcing ~~to be placed as directed by Village Engineer or building inspector.~~ **as approved by the Public Works Director to be placed as directed by the Public Works Director, Village Engineer, or building inspector**. (See standard driveway drawing.) Exceptions must have ~~approval of the Village trustees~~ the **written** approval of the **Public Works Director**. The site preparation shall be inspected by the **Public Works Director or his or her designee** ~~Village building inspector~~ before the actual pour of concrete**.** ~~and there shall be a $25.00 inspection fee paid to the Village.~~

~~F~~**K**. **Thickness Across Industrial Driveways. Sidewalks shall have a thickness of eight inches across industrial or retail driveways for the full width of a such driveway. The subgrade shall be prepared a minimum eight inches below and parallel with the surface of the sidewalk and otherwise constructed as hereinbefore described; minimum of eight inches of compacted base of CA-6 aggregate, 6" x 6" __#6 mesh reinforcing to be placed as directed by the Public Works Director, Village Engineer, or building inspector. (See standard driveway drawing.) Exceptions must have the written approval of the Public Works Director. The site preparation shall be inspected by the Public Works Director or his or her designee or Village building inspector before the actual pour of concrete.**

~~G~~**L**. Placing and Finishing. **PCC shall be placed in accordance with** State standard specifications.

~~H~~**M**. Sidewalk Dimensions and Joint Spacing:

Width of Sidewalk	Longitudinal Joint Spacing	Transverse Joint Spacing
4’	None	4’
4’ to 10’	None	Equal to width 10’ maximum
	~~4’ to 10’~~	
More than 10’	(1/2 distance from property line to curb) See standard sidewalk drawings	

The above is not applicable to sidewalk spanning storage areas.

~~I~~**N**. Expansion Joints. **Expansion joints shall be placed** State standard specifications**, or as directed by the Public Works Director or Village Engineer**.

~~J~~**N**~~. Backfill. State standard specifications.~~

~~K~~**O**~~. Disposal of Surplus Material. State standard specifications.~~

~~L~~**O**. ~~Method of Measurement~~ **Materials. All materials used for the construction of new sidewalks shall be in accordance with** State standard specifications.

~~M~~**P**. Tree Roots. Tree roots interfering with the construction or reconstruction of sidewalks shall be removed so as not to interfere with the new construction. Care shall be used so a minimum amount of damage is done to trees in this work. **Roots shall be clean cut perpendicularly to the root.**

~~N~~**Q**. Supervision of Materials and Construction. The materials used in the construction of said sidewalk and the construction thereof shall be under the supervision and to the satisfaction and subject to the approval of the **Public Works Director or his or her designee,** Village Engineer **or** building inspector.

~~O~~**R**. Waiver of Lien. A waiver of lien on all **labor and** materials used in the construction will be required before ~~final payment is made~~ **release of the posted surety**.

3. That Title VI—Public Ways and Property, Chapter 1—Streets, Sidewalks and Public Ways, Section 6-1A-1. —Construction Requirements and Specifications of the Village Code of Ordinances be amended as follows (deletions as strikethroughs, new language as bold and underlined):

"Section 6-1A-1(b). —Construction Requirements and Specifications, Driveways

A. General. The following specifications, rules and regulations shall govern the construction, reconstruction, or repair of driveways. The contractor shall furnish the workers' compensation as required by state law. No permit shall be issued unless a performance bond, letter of credit, or other form of surety, acceptable to the Public Works Director or Village Engineer, subject to the review of the Village Attorney, is posted with the Village. The amount of such performance bond, letter of credit, or other form of surety shall be an amount equal to at least One Hundred Twenty percent (120%) of contract price or opinion of probable construction cost as approved by the Village. All such bonds, letter of credit or cash surety shall be continuing and shall not be terminated until the driveway has been installed, re-surfaced or repaired by the Contractor or person proposing to construct, re-surface or repair the driveway and inspected and approved by the City. To the extent the construction, re-surfacing or repair does not involve any work within the right-of-way or does not affect any sidewalk or public parkway, no bond shall be required.

B. Permits Required; application.

No person shall hereafter construct, build, establish, re-surface or repair any driveway without first having obtained a written permit to do so from the Village Clerk, subject to the limitations set forth in this paragraph. This includes, but is not limited to, any portion of the driveway over, across or upon any portion of the public right-of-way, public sidewalk, public parkway, for the construction of a new driveway, repair of an existing driveway, resurfacing of an existing driveway, or the reconstruction of an existing driveway. No such permit shall be issued for construction or establishment of any such driveway except in accordance with the provisions contained in this article. Application for a permit must be made in writing upon forms furnished by the Village. Such application shall contain the name and address of the person making the application, the name of the contractor or person who is to construct the driveway and the proposed locations and dimensions of such driveway. Complete plans and specifications shall be submitted to the Village Clerk and the Public Works Director at least forty-eight (48) hours before the Village will issue said permit. No driveway permit will be required if the sidewalk that crosses through an existing driveway is being repaired/replaced. In such a situation, only a sidewalk permit will be required.

C. Fees.

Before any work is started, the contractor or property owner shall pay to the Village Clerk the following permit and inspection fees:

1) **Seventy-Five dollars ($75.00) for permit application review. To the extent Village staff or the review time exceeds One (1) hour, an additional Fifty dollars ($50.00) shall be assessed for each hour after the first hour, on a pro-rated basis.**
2) **The fee for driveway permits shall cover the administrative costs of issuing the permit and one inspection to ensure that the driveway will be and has been constructed in accordance with approved procedures as set forth in this Article. The expense of any subsequent inspections, including inspections of portions of driveway work in the right-of-way or affecting sidewalks of public parkways, other than those provided for in this section, necessitated through the fault or error of the persons laying the driveway, shall be borne by such persons. Reimbursable hourly rates for Village Staff shall be charged for at the rate of Thirty-Six dollars ($36) per hour, which sum, when determined, shall be remitted to the Village prior to the release of any performance bond or surety. If the services of the Village Engineer are required, the Village Engineer's cost shall be reimbursed on a time and expense basis utilizing the current published hourly rate and reimbursable schedules.**
3) **To the extent the construction, re-surfacing or repair does not involve any work within the right-of-way and does not affect any sidewalk or public parkway, no inspection fee shall be applicable.**

D. Supervision.

All such work shall be done under the jurisdiction of the Public Works Director or his or her designee and in accordance with the ordinances of the Village; and shall be inspected upon completion by the Village Engineer or Public Works Director or his or her designee, or a building official.

E. Specifications.

All plans and specifications for construction, re-surfacing or repair, or reconstruction must conform to the following minimum requirements before a permit for construction or reconstruction shall be issued:

1) **Driveways for residential or dwelling houses shall be constructed of Portland cement concrete at least Six (6) inches in thickness with at least 6" of compacted IDOT CA-6 Type B aggregate base course. Concrete shall be an approved IDOT PV mix. HMA driveways are also permitted when installed with 3" of asphalt and 10" of compacted IDOT CA-6 Type B base course. IDOT N30FG or N50FG hot mix asphalt shall be utilized.**
2) **Driveways for other than residential or dwelling house use shall be constructed of concrete with compacted IDOT CA-6 Type B aggregate base course. The minimum section for these driveway surfaces shall be at least the same as set forth in Paragraph 1 above, but additional thicknesses of aggregate and PCC or HMA may be required by the Village based on anticipated traffic loading and underlying soil conditions.**
3) **Should the owner have a decorative driveway surface, the Village is not obligated to replace any portion of such surface with the Village's right of way. However, if the Village determines, in its sole discretion, that due to actions of the Village, damage to a decorative paver block driveway has occurred, the Village agrees to reimburse the property owner for the actual costs of replacing the portion of the damaged driveway at the rate of the Village's standard asphalt cost.**
4) **Where a driveway of any kind of material is constructed across the sidewalk space, it shall conform to the sidewalk grade as approved by the Village Engineer or the Public Works Director.**
5) **Where a driveway of any kind of material is constructed across an existing sidewalk, such sidewalk shall be removed and replaced with Portland cement concrete for the full width of the driveway. This portion shall not be less than the specifications listed in this Section in thickness and constructed in accordance with the requirements of the Village.**
6) **Except for the types of driveways referenced in Paragraphs 1 and 2 above, as well as decorative paver block, all other types of driveways, including,**

but not limited to, Macadam, gravel, cinder, and any other types of driveways are prohibited.

7) **The following driveway standards shall apply to all residential driveways:**
   a. **The width of driveways shall be determined as follows:**
      i. **For lot frontages equal to or greater than seventy-five (75') as measured at the property line, the driveway shall not be less than ten feet (10'), nor more than twenty-four feet (24') at the property line for residential house with a two (2) car garage and thirty feet (30') at the property line for a residential house with a three (3) car attached garage. Only one (1) driveway shall be allowed for each residential house.**
      ii. **For lot frontages equal to or greater than sixty feet (60'), but not more than seventy five feet (75')as measured at the property line, the driveway shall not be less than ten feet (10') nor more than twenty four feet (24') at the property line.**
      iii. **For lot frontages less than sixty feet (60') as measured at the property line, the driveway shall not be less than ten feet (10'). The maximum width at the property line shall be calculated by multiplying the frontage as measured at the property line by 0.40.**
      iv. **For cul de sac and/or radius corner frontages:**
         1. **For lot frontages equal to or greater than seventy-five (75') as measured at the front building set back line, the driveway shall not be less than ten feet (10'), nor more than twenty-four feet (24') at the property line for residential house with a two (2) car garage and thirty feet (30') at the property line for a residential house with a three (3) car attached garage.**
         2. **For lot frontages equal to or greater than sixty feet (60') but not more than seventy-five feet (75') as measured at the front building set back line, the driveway shall not be less than ten feet (10'), nor more than twenty-four feet (24') at the property line.**
         3. **For lot frontages less than sixty feet (60') as measured at the front building set back line, the driveway shall not be less than ten feet (10'). The maximum width at the property line shall be calculated by multiplying the frontage as measured along the front building setback line by 0.40.**
         4. **For corner lots, the measurement shall be taken along the property line that has the narrowest frontage.**
   b. **The width of the opening (flared or radial) at the curb or pavement line shall be no greater than fifteen feet (15') nor less than five feet (5') in addition to the width of the driveway at the property line. The additional width granted at the curb or pavement line shall be divided equally on each side of the drive.**
   c. **Conformance with the principles set forth in Drawing #1 above.**

Commented [CD3]: IDOT's geometric requirements result in ugly driveways. I'll forward language from Machesney Park's ordinance.

Commented [JK4R3]: I have tried to input the correct information from Machesney. Please make sure this encompasses what you wanted to include.

8) **Driveway additions shall mean any expansion of a driveway beyond the width of the garage (whether 1, 2, or 3 car garage) and expanding into the side yard of the property adjacent to and along the garage. To constitute a driveway addition, the portions in the side yard must be connected to the rest of the driveway. The following driveway addition standards shall apply to all residential driveway additions:**
    a. **Driveway additions shall be made of the same material as the rest of the driveway and shall conform to all applicable driveway construction specifications.**
    b. **Driveway additions shall not exceed 12 feet in width.**
    c. **Driveway additions must meet all applicable side yard setback requirements (i.e., Five (5) feet from the property line).**
    d. **Conformance with the principles set forth in Drawing #1 above.**
9) **The centerline of all driveways must be approximately at right angles to the curb line of the pavement in the public street for a distance of at least ten feet from such curb line, unless otherwise approved by the Village Engineer or Public Works Director.**
10) **All driveways shall be so graded between the gutter and the sidewalk that it will not be necessary to change the established grade of either and will not elevate or depress any portion of either. No part of the driveway shall extend beyond the curb line in such a manner as to change the grade of the gutter or obstruct the free flow of water in the gutter. Where elevations or depressions are necessary in the parkway strip between the curb and the walk, such parkway shall be graded on both sides of the driveway to a distance sufficient to create a gradual ascent or descent. At no time shall the gradient exceed IDOT Bureau of Local Roads requirements.**
11) **When necessary to remove and replace existing curb and gutter, it shall be sawcut and entirely removed for the full width of the driveway opening at the curb line. If an existing joint in such curb is within Five (5) feet of the end of the driveway opening, remove the existing curbing, etc. to such joint, otherwise cut the combined curb and gutter or separate curbing, making a neat edge at truly right angles to the edge of the pavement and truly vertical. Integral curbing, which is that type placed with the pavement and molded as an integral part of it, must be removed for the full depth from the top of the curb to the bottom of the pavement. The edge must be cut as described in this subsection. No combined curb and gutter, straight curb or integral cub shall be removed within Five (5) of a public crosswalk. Curbing shall be replaced across between the removal limits before the driveway is constructed.**
12) **Where driveways cross open ditches in the parkways, culverts shall be installed. The culverts shall be of such size and shall be constructed of corrugated metal pipe or reinforced concrete pipe in accordance with IDOT standard specifications. In no instance shall the size of the opening be less than that obtained by a Fifteen inch (15") pipe, although a Twelve inch (12 in.) diameter pipe may be used with the written consent of the Public Works Director when depth of cover and/or grade issues are**

present. The Village reserves the right to require a larger diameter pipe. A minimum of 6" of cover (between the bottom of the pavement structure and the top of pipe) shall be maintained over the top of the pipe. The length of the culvert shall be determined by the following method: For ditch depth of Two (2) feet or less, the culvert shall extend not less than Six (6) feet beyond both edges of the driveway where it crosses the ditch. For each additional foot depth of ditch, add Three (3) to such figure.

13) **Where existing manholes and structures are in the area of a proposed driveway, the existing casting shall be removed and adjusted as required by the Village). Should the casting be damaged, it will be repaired or replaced by the property owner and at the property owner's expense.**

14) **All driveways constructed or reconstructed over, across or upon any public street or public parkway in the Village shall be kept and maintained at all times in accordance with the provision this Section by the persons so constructing, reconstructing, or using the driveway as an adjunct or appurtenance to lands or properties immediately adjacent thereto.**

F. Penalty.

Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Section shall be subject to fine not less than $50.00 nor more than $750.00 for the first offense and upon the second conviction of any such violation shall be subject to a fine not less than $100.00 nor more than $750.00. The penalty shall be in addition to the Village's cost of prosecution, enforcement, and adjudication, and shall include the cost of attorney fees. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues to occur. There may be times when the Village will incur delay or other costs, including third party claims, because the contractor will not or cannot perform its duties under its permit and this Section. Unless the contractor shows that another allocation of the cost of undertaking the requested action is appropriate, the contractor shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a contractor that does not pay the costs apportioned to it.

G. Reserved."

4. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

5. This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2021

AS FOLLOWS:

VOTING "AYE": _____

_____

VOTING "NAY": _____

_____

ABSENT, ABSTAIN, OTHER _____

_____

APPROVED_____, 2021

ATTEST:

_____ _____

CLERK PRESIDENT