TITLE 8: PUBLIC WAYS & PROPERTY
CHAPTER 3: STREETS AND PARKWAYS

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8-3-1: EXCAVATION PERMIT REQUIRED, APPLICATION

No person shall interfere with or effect a change in any street, parkway, public way or public property in the Village without having first obtained a permit from the Public Works Department given in accordance with the provision of this Code or other ordinances of the Village. Provided, however, that the installation of mailboxes and all landscaping by homeowners shall be exempt from the provisions of this Chapter.

All applications for permits under this Chapter shall be submitted to the Public Works Department and be accompanied by a plat or pencil tracing or sketch showing the location, character and dimensions of the proposed opening for the installation of new work or the location and character of the alterations involving changes in the location, pipes, conduits, wire or conductors. The application shall state the person doing the actual excavating, the name of the person for whom the work is being done, and time, place and character of such opening and the purpose thereof.

8-3-2: EXCAVATION PERMIT FEE, DEPOSIT

For each and every permit issued there shall be collected a fee as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code. Before a permit shall be granted to any person for interfering with or effecting a change in any street, parkway, public way or public property in the Village a cash deposit or certified check shall be collected as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code a fee for restoration purposes must be deposited with the Village Clerk.

If special circumstances exist, it is within the discretion of the Public Works Department to require a larger deposit to meet potential restoration costs.

8-3-3: BOND OR INSURANCE POLICY REQUIRED FOR EXCAVATIONS

No permit shall be issued to any person permitting or allowing any interference with or effecting any change in any street, parkway, public way or public property in the Village, until the person making application for such permit shall first have executed to the Village a good and sufficient bond as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code, with sureties to be approved by the Village Attorney, conditioned:

To indemnify, save and keep harmless the Village from any and all loss, cost, damage, expense or liability of any kind whatsoever which the Village from or on account of the issuance of the permit to obstruct, tear up, remove or repair any parkway, street or part thereof and from or on account of any act or thing done by the permittee or permitted by the permittee in the obstruction, tearing up, removing or repairing of any parkway, street or part thereof.

In the event any proposed work may appear to subject the Village to the possibility of any greater liability than ten thousand dollars ($10,000.00), the Village Attorney may require the amount of the bond to be increased to an amount sufficient to protect the Village against any such loss, cost, damage, or expense.

The bond aforesaid shall not be required if an insurance policy in the minimum amount of two hundred thousand dollars ($200,000.00) covering public liability and including the Village as a party insured is furnished.

8-3-4: RESTORATION OF EXCAVATIONS

A. Paved Roadways: The person interfering with or causing a change in any street, parkway, public way or public property is responsible for restoration, if restoration is not completed by such person within a reasonable time, the restoration (including backfill, concrete replacement and asphalt patching) of any street shall be performed by the Village, the cost of such restoration to be deducted from the deposit provided for in Section 8-3-2.

The restoration of the roadway of any street will conform to the following standards:

1. No excavated material shall be used for backfill, except with the written consent of the Public Works Department or a Village authorized agent.

2. Backfill material shall consist of sand or stone screenings, shall conform to State highway specifications, and shall be deposited in six-inch (6") layers, each layer to be suitably compacted by ramming or tamping.

3. All trenches or excavations made in any improved street shall be refilled to a point on a level with the subgrade immediately below the pavement with such care and in such a manner that there will be no further settlement of the fill material. The replaced pavement above the subgrade shall be identical with and correspond in every way to the original improvement.

4. All concrete used for this work shall be delivered from ready mix trucks and shall conform to State highway specifications. The concrete shall contain no more water than is required for a four-inch (4") slump. After the concrete has been laid, as described above, the same shall be protected from traffic for one week.

5. Before final restoration is made to roadway patches, the perimeter of the patch shall be sawcut back neatly and squarely at least twelve inches (12") beyond the limits of the original excavation. Reflective crack control treatment shall also be installed.

6. In addition, any person making an excavation in any street pavement shall cause to be deposited with the Village as security for the restoration of the street pavement a bond in the amount of ten percent (10%) of the cost of said restoration and said bond shall remain in full force and effect for a period of three (3) years as security for the maintenance and repair of the restored street pavement.

7. Any person making any excavation in any parkway area shall cause to be deposited with the Village as security for the restoration of the parkway area a bond in the amount of ten percent (10%) of the cost of said restoration and said bond shall remain in full force and effect for a period of one year as security for the maintenance and repair of the restored parkway area. The provisions of this paragraph shall not apply to homeowners who excavate the parkway area in front of their own homes.

B. Parkways: All trenches or other excavations in any parkway shall be refilled and the sod removed in making such trenches excavations shall be replaced or, after refilling the same, the surface shall be sowed with grass seed or resodded as determined by the Public Works Department and shall be cared for until the same is restored to as good condition in every way as before the excavations were made.

C. Where curb and gutter sections are to be replaced, the repair must include all the curb and gutter between joints, unless sawed joints are provided.

Any underground improvements of any kind which may be encountered in making street excavations shall not be molested or disturbed in any way and if injured shall be at once repaired and restored to their original condition without cost to the owners thereof.

All the work hereinbefore referred to shall be done in a good and workmanlike manner and shall be maintained and kept in good order and repair until the deposit aforesaid is refunded, but not to exceed one year. Each person shall from time to time during such year repair or refill any such ditch, trench or other excavation, if called upon so to do by the Public Works Department or other proper official of the Village and all such work shall be done and performed to the full and complete satisfaction of the Public Works Department or of such officer as may hereafter be appointed to perform the same or similar duties as now performed by such Department and to the full satisfaction of and without expense to the Village. (Ord. 85-833-17)

8-3-5: BARRICADES REQUIRED

It shall be the duty of every person engaged in digging into any street, in paving any street, building any sewer or drain or trench for water pipes in any of the public streets or avenues under contract with the Village, or by virtue of any permission which may have been granted to them by the Board of Trustees, or any Village department, where such work, if left exposed, would be dangerous, to erect a fence, railing or barricade, and to place a suitable covering where necessary as determined by the Public Works Department, around such excavations or work in such a manner as to prevent danger to persons who may be traveling such streets, roads or avenues and to continue and uphold such fence, railing or barricade until the work shall be completed or the obstruction or danger removed. It shall also be the duty of such person to place upon such fence, railing or barricade at twilight in the evening suitable and sufficient warning lights and keep them burning through the night during the performance of such work, under the penalty as provided in

Section 1-4-1 of this Code for every neglect. Flares, lanterns, "bombs" or other devices using a flame shall not be permitted as suitable lights. Barricades, flashing lights, warning signs and placement shall be in accordance with the Manual on Uniform Traffic Control Devices, latest edition. (Ord. 85-833-17; and. Ord. 89-1110-77) No person shall remove any barricade or light or other danger signal erected in front of or about any parkway or street within the Village, or in front of or about any parkway or street under repair or undergoing reconstruction within the Village, or in any way interfere with, change or destroy such barricade, light or other danger signal until such parkway or street is repaired or rebuilt.

The provisions of the preceding Section shall apply to every person who shall place building materials in any of the public streets, avenues or public places or be engaged in building any vault or constructing any lateral drain from any building to any public sewer, or who shall do or perform any work causing obstructions in the public streets by virtue of any permit from any executive department and also to all public or Village officers engaged in performing any work in behalf of the Village whereby obstructions or excavations shall be made in the public streets. The extent to which the railing or fence, or barricade referred to herein shall be built is hereby defined in the following situations:

A. In digging into any street or road, by placing the same along the upper bank of such excavation or by extending the fence so far across the street or road as to prevent persons from traveling on such portions as would be dangerous.

B. In paving any street or avenue, by extending the same across the roadway of such street or avenue, or if but a portion of the width of such roadway be obstructed, across such portion; in which case the obstruction shall be so arranged as to leave a passageway through, as nearly as may be of uniform width.

C. In the building of a sewer, by placing the same across the roadway at the ends of such excavations as shall be made.

D. In building vaults, by enclosing the ground taken for the vaults.

E. In placing building material in the streets, by placing the same across so much of the street as shall be occupied by such materials and the materials shall be so placed as to occupy a space of uniform width.

F. In the construction or repair of any building, by placing the same around so much of the public way as the Public Works Department shall deem necessary for the safety of the public. (Ord. 85-833-17)

8-3-6: FAILURE TO RESTORE

In the event that any person opening any street, parkway, or public way or by performing any activity that damages the street parkway or public way, fails to restore such street, parkway or public way in the manner provided in this Chapter within ten (10) days after written notice so to do has been mailed or served upon such person, then and in such event the Public Works Department shall have such work done and the cost thereof shall be charged to the person to whom the permit was issued, and shall be deducted from the amount deposited by such person as required in Section 8-3-2. (Ord. 85-833-17; and. Ord. 89-1110-77)

8-3-7: RETURN OF SURPLUS DEPOSIT FOR EXCAVATION, DEFICIENCIES

After completion of the work, under the provisions of this Chapter, to the satisfaction of the Public

Works Department, he shall certify to the Finance Department the amount of any surplus remaining from the amount deposited in such case, and such surplus shall thereupon be paid over to the proper claimant upon presentation to the Village Clerk of the deposit receipt; but if for any reason the amount of such deposit shall have been insufficient to cover the cost of such work, or if any damage shall have been done to any underground work or connections, or otherwise, not contemplated in the original estimate, which shall have caused increased expenditure, the amount of such deficiency or damage shall be certified to the Finance Director who shall collect the same from the person to whom the permit was issued. (Ord. 85-833-17)

8-3-8: DEBRIS

A. Construction Material or Debris: It shall be unlawful to store construction material, equipment or debris on any public street, parkway, public way or dedicated public right of way open to the general public unless such material is used for the construction of any public improvements.

B. Deposits on Streets: It shall be unlawful to deposit on any pavement open to travel by the general public any material that may be harmful or hazardous to the pavement or operation of a vehicle thereon, including but not limited to, plowed snow, glass, wood, stone, gravel, mud, dirt, debris, pipe, brick, block or waste material. The responsibility for any such deposit shall lie with the party making the deposit and the property owner whose property was the source of such material. (Ord. 89-1110-77)

8-3-9: OBSTRUCTIONS

It shall be unlawful for any person to cause, create or maintain any obstruction of any street, parkway or public way with the following exception. The placement of underground sprinkler systems and electronic dog fences will be allowed in the right of way under the following conditions:

Underground Irrigation Systems:

A. Submittal of detailed plan and permit application for the installation to the Department of Community Development.

B. Received permission from the Department of Public Works.

C. Signed waiver form supplied by the Village, to be recorded with the Lake County Recorder of Deeds Office stating the property owner assumes all responsibility for damages to the permitted obstruction and indemnification of the Village for any judgments or settlements against the Village from actions arising from the granting of a permit to use the right of way in this manner and for costs and attorney's fees for defense of any action brought against the Village.

D. Payment of the following fee in addition to the usual permit cost as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code:

1. R.O.W. Obstruction Fee - (Ord. 91-1220-33)

Electronic Dog Fences:

A. Electronic dog fences shall be permitted within an easement or right-of-way under the following conditions:

1. The existence of a dog fence shall not in any way interfere with the right of the Village to excavate for repair, maintenance, or installation of any public utilities or for any other necessary purpose.

2. The Village will not be required to maintain or replace any such system as may be damaged by any such work or by any other maintenance or construction operation.

3. No portions of the electronic dog fence shall be installed in a Conservancy area. (Ord. Amd. 11-3196-18, eff. 3/14/11)

8-3-10: ENCROACHMENTS

It shall be unlawful to erect or maintain any building, structure or permanent sign which encroaches upon any dedicated public right of way within the corporate limits of the Village.

8-3-11: MAILBOXES

A. Mailbox or Letterbox Construction: Freestanding mailboxes or letter boxes shall be located in accordance with Federal postal regulations and applicable law, and shall consist of a post construction, the actual mailbox receptacle to be sized in conformance with Federal regulation. Said post construction shall consist of a wooden, iron, or steel post which shall support the mailbox. The said mailbox receptacle shall be separate from and attached to the supporting post. A mailbox/post combination is permitted to be constructed of uniform, one-piece plastic or similar material. The Village, together with the Lincolnshire Postmaster, shall provide property owners with diagrams and instructional materials setting out the requirements for height, exact location, and other requirements with regard to construction and location of the said post-construction mailbox. No other types of mailbox construction shall be permitted. (Ord. 02-1798-08, eff. 4/8/02)

B. Existing Nonconforming Mailboxes: Mailboxes in existence prior to March 15, 2002 which are not in conformity with the requirements of subsection A hereof shall be permitted to continue. In the event any such nonconforming mailbox is destroyed, removed or damaged to the extent of fifty percent (50%) or more of its value as a result of any occurrence whatsoever, the said nonconforming mailbox structure shall be removed, and replaced by a mailbox constructed in accordance with the requirements of subsection A above.(Ord. 02-1798-08, eff. 4/8/02)

C. For the purposes of this Section, mailboxes shall not be deemed "structures" as that term is defined in the Village Code. The provisions of Section 8-3-9 of this Village Code with regard to placement of structures on Village property and the like shall continue in full force and effect. (Ord. 89-1110-77)

8-3-12: MAINTENANCE AND USE OF PARKWAYS

Any property owner or tenant currently using the Village parkway or whose property may in the future benefit from the use of a portion of a Village parkway for access to that property shall maintain all parkway that is adjacent to that property. Such maintenance shall include, but not be limited to, lawn cutting and bush and tree trimming in a manner consistent with Village standards and regulations. This maintenance obligation shall confer no rights on the property owner or tenant except that any third party shall be liable either in law, equity or as a trespass violation to the owner or tenant and the Village for any unpermitted use of such adjacent parkway. Nothing in this section shall be construed to compromise, in any manner, the absolute right of the Village to use any Village parkway as it deems advisable with or without notice to the adjacent property owner or tenant. (Ord. 01-1761-19, eff. 5/14/01)

8-3-13: CURB CUT RESTRICTIONS

(Rep. by OD. 91-1206-19) No new curb cuts of any kind whatsoever (Including but not limited to a driveway, entranceway, or street intersection) providing vehicular access to adjacent properties shall be permitted on any public street within the Village limits. 300' of the intersection of the public street and an arterial roadway. Arterial roadways shall include but not be limited to, Milwaukee Avenue, Aptakisic Road, Half Day Road and Route 45.

No building permit shall be issued for construction of a new building if it is located on property which is proposed to be served by a curb cut of any kind whatsoever if such curb cut violates the aforesaid prohibition by being on a public street within 300' of the intersection of the public street and an arterial roadway.

This regulation shall prohibit all curb cuts on public streets within 300' of the intersection of the public street and any arterial roadway west of the centerline of Milwaukee Avenue, to the existing westernmost municipal limits and within the proposed ultimate planning boundaries as of April 1, 1994. (amd. Ord. 94-1324-09)

8-3-13-1: CURB REPLACEMENT REQUIREMENTS

Any section of curb and gutter within the Village limits that requires modification either by direction of the Village or as a request as part of a valid Village Permit, must be removed entirely and replaced as required by the Specifications prescribed by the Illinois Department of Transportation. (Amd Ord. 07-3000-28, eff. 8/13/07)

8-3-14: DRIVEWAY REQUIREMENTS

A. A driveway shall be a minimum width of ten feet (10'), or shall be installed in conformance with the applicable sections of the latest edition of the Illinois Department of Transportation Standard Specifications for Road and Bridge construction.

1. Manholes or valve boxes shall not be located in any new residential driveway, walkways or portion thereof.

2. Driveways shall be constructed of the following materials and methods:

   a. Six-inch (6") Village approved crushed stone base course with two inch (2") hot mix asphalt surface course, Mix C, N-50, or as approved by the Village Engineer.

   b. Six-inch (6") Village approved crushed stone base course with six inch (6”) Portland cement concrete, as approved by the Village Engineer. No steel reinforcement material shall be installed within the right-of-way.

   c. Six-inch (6") Village approved crushed stone base course with paving brick or other durable surface, as approved by the Village Engineer.

   d. Aggregate Driveways (Decorative Stone Driveways) shall be constructed six inches (6") of crushed stone base course, over an approved filter fabric material, with no less than 2-1/2 inches of decorative gravel, and shall meet the following specifications:

i. Filter Fabric Material must have a; Tensile Strength of no less than 200 lbs, a Puncture Strength of no less than 100 lbs., and a Trapezoidal Tear of no less than 75 lbs.

ii. Permitted decorative aggregate shall have a minimum gradient of 3/8 inch and maximum gradient of one inch (1@).

iii Decorative aggregate shall be absence of any material classified as Afines@ by the Illinois Department of Transportation/Materials.

iv. An aggregate driveway shall have a maximum longitudinal slop of 5% over the first 15-feet of aggregate driveway, as measured from the back of the approved apron.

v. An aggregate driveway must be compacted (machine method) and able to achieve a minimum percent of compaction of ninety-five percent (95%) standard proctor, as certified and/or approved by the Village Engineer.

vi. All aggregate driveways must have an approved hard surface as defined in items (b-d) of this Section throughout the Village Right-of-Way or ten feet (10') from the back of the street curb, whichever is greater.

vii. All decorative aggregate driveways in existence on or before June 22, 2009, shall be comply with this Section within three (3) years of the adoption of this Ordinance, or prior to the sale of the subject property, or the improvement of 50% or more of the driveway (at which time all requirements listed shall apply), whichever date comes first.

B. This Section shall apply to all buildings and structures in the Village, including but not limited to residential, commercial and office buildings or structures. (Ord. 09-3101-24, eff. 06/22/09)