

VERNON TOWNSHIP ROAD DISTRICT

10-11-14

AN ORDINANCE REQUIRING THE POSTING OF A BOND FOR WORK DONE ON OR INVOLVING VERNON TOWNSHIP HIGHWAY DISTRICT RIGHT OF WAY

**ADOPTED BY BRYANT SCHROEDER,
HIGHWAY COMMISSIONER OF THE
VERNON TOWNSHIP ROAD DISTRICT**

ON

October 11, 2014

Published in pamphlet form by authority of the
Highway Commissioner
for the Town of Vernon, Lake County, Illinois
this 11th day of October, 2014.

BRYANT SCHROEDER, Highway Commissioner

BARBARA BARNABEE, Road District Clerk

PETER S. KARLOVICS, Attorney

10-11-14

AN ORDINANCE REQUIRING THE POSTING OF A BOND FOR WORK DONE ON OR INVOLVING VERNON TOWNSHIP HIGHWAY DISTRICT RIGHT OF WAY

WHEREAS, 605 ILCS 5/6-201.8 of the Illinois Highway Code provides that the Vernon Township Highway Commissioner (hereinafter "Highway Commissioner") has "general charge of the roads of his district"; and

WHEREAS, the Vernon Township Highway Commissioner desires to protect the roadways and right-of-ways of the Vernon Township Road District (hereinafter "Road District"), and desire to prohibit construction and other work within such roadways and right-of-ways without a permit, to require the posting of a cash bond before any work is performed on or involving Road District roadways or right-of-ways, and to provide regulations for the restoration of any roadway or right-of-way upon which work or construction is performed; and

WHEREAS, by signing this Ordinance, the Vernon Township Highway Commissioner orders that, before any work or construction on Road District right-of-ways or roadways, there must be compliance with the regulations and requirements of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Highway Commissioner of the Town of Vernon, Lake County, Illinois that:

SECTION I: That the preceding "Whereas" clauses are hereby incorporated into this Ordinance as if they were fully set forth herein.

SECTION II: That there is hereby adopted the following regulations and requirements for excavation, pavement, construction or other work on Road District roadways and right-of-ways:

A. Excavation—Procedure—Requirements.

1. It is unlawful to make any excavation in or tunnel under any roadway, right-of-way, sidewalk, alley, or other public way in the Township, or to lay pavement or to perform any construction or other work upon any roadway, right-of-way, sidewalk, alley, or other public way in the Township without having first secured a permit therefor. Applications for such permits shall be made to the Highway Commissioner and shall specify the intended location and purposes of the excavation, pavement, construction or other work.

2. Before any permit shall be given for an excavation in or under the surface of any roadway, right-of-way, sidewalk, alley, or other public way in the Township or to lay pavement or to perform any construction or other work upon any roadway, right-of-way, sidewalk, alley, or other public way in the Township, a cash bond or letter of credit in the amount of one hundred and ten percent (110%) of the estimated cost of restoration, and maintenance of roadway, right-of-way, sidewalk, alley, or other public way, as the case may be, for a period of

not less than one (1) year, in an amount as determined by the Highway Commissioner for each excavation, shall be deposited with the Road District to guarantee the compliance with this Ordinance.

3. When notified by the permit holder that the work has been completed, the Highway Commissioner shall inspect the work thereafter and shall notify the permit holder whether or not he or she has complied with this Ordinance. If the Highway Commissioner shall find that the permit holder has complied with this section, eighty percent (80%) of the above cash bond or letter of credit posted as the above surety for restoration and maintenance of street or parkway for each excavation shall be returned to the permit holder, and the balance of said surety shall be retained by the Road District, to be held for one (1) year after the conclusion of the restoration after the subject excavation, pavement, construction or other work, to reimburse the Road District for any future work for patching and filling caused by settling of each excavation, pavement, construction or other work.

4. Any such person making any such excavation, pavement, construction or other work, shall refill the same properly and/or shall restore the surface to its condition before the excavation was made, as soon as possible, said restoration to include, but not be limited to, filling all excavated areas, resurfacing paved areas, relaying drain tile, resodding the surface where sod had been taken up, and/or cover the surface with suitable soil and seed and to care for the same until replacement plants are grown. All such excavations, restoration, refills and resurfacing shall be made subject to the supervision and direction of the Highway Commissioner.

5. Whenever the excavation, pavement, construction or other work has been completed, along with the restoration, and approved by the Highway Commissioner, and the permit holder named in the application has not taken any action to obtain a refund of any amount of the cash bond or security to which her or she is entitled, the Highway Commissioner shall notify the permit holder named in the application within thirty (30) days of the satisfactory completion of the work, by certified mail, return receipt requested, of the availability of refund of the cash bond or security. If the permit holder named in the application does not claim the refund of the cash bond or security within ninety (90) days after the date of the notice delivered by certified mail, or does not claim the notice delivered by certified mail, the cash bond shall be deemed forfeited to the Road District. The Highway Commissioner may only refund the cash bond or other security to the name of the person on the application for permit.

B. Conformity required.

All street and sidewalk pavement shall be made in conformity with the specifications laid down from time to time by the Highway Commissioner.

C. Barricades—Required when.

1. Any person, firm or corporation laying or repairing any pavement on a roadway, right-of-way, sidewalk, alley, or other public way in the Township or

making an excavation in the same, shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work; such barricades shall be protected by light at night time.

2. Any defect in any such pavement shall be barricaded to prevent injury; and 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 proper barricades and lights.

D. Barricades—Disturbing prohibited.

It is unlawful to disturb or interfere with any barricade or light lawfully placed to protect, when making any new pavement or excavation or opening in any public street, alley or sidewalk.

E. Driveway requirements.

1. It is unlawful to construct or maintain any driveway in or across any public sidewalk in the Township where this necessitates any interference with or change in the grade of any public sidewalk or curb without having first obtained a permit therefor from the Highway Commissioner. Applications for such driveway permits shall state the size, location and material to be used in such driveway; and driveways shall be constructed with a culvert of not less than eight inches in depth or less than twenty feet long if deemed necessary for proper road drainage. Where an existing violation exists the owner shall have ninety days to install a culvert after due notice from the Highway Commissioner.

2. It is the duty of any person, firm or corporation maintaining any such driveway to keep the same free from snow and ice or any obstruction, and to keep the same in good repair where the same crosses a public sidewalk.

F. Injuring pavement prohibited.

It is lawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street, sidewalk, or alley pavement while the same is guarded by a warning sign, sign or barricade; or to knowingly injure any street, sidewalk or alley pavement.

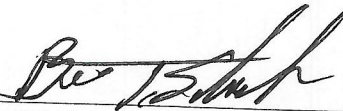
SECTION III: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION IV: Violators of this Ordinance may be assessed a fine not to exceed the sum of Seven Hundred and Fifty Dollars (\$750.00), with each day that a violation of this provisions of this Ordinance occurs constituting a separate violation, which shall be subject to a separate penalty. The Highway District may pursue all other equitable and legal remedies available to it, in addition to the forgoing penalty.

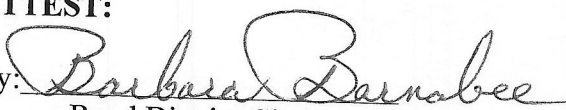
SECTION V: All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION VI: Ordered by the Highway Commissioner, and approved at a duly convened meeting of the Town Board of Trustees of the Town of Vernon.

**ADOPTED by the Highway Commissioner
this 11th day of October, 2014.**

By: 
Highway Commissioner

ATTEST:

By: 
Road District Clerk

I hereby certify that the above ordinance was published on October 11, 2014, as provided by law.


Road District Clerk