

O R D I N A N C E

ODT-0001A-06

FIRST AMENDMENT TO THE
DUPAGE COUNTY HIGHWAY RIGHTS-OF-WAY
PERMIT AND FEE ORDINANCE

WHEREAS, the County is empowered to take and have the care and custody of all of the real estate owned by the County including the roadways and the trail systems pursuant to 55 ILCS 5/5-1015; and

WHEREAS, the County is empowered to consent to the use of its rights-of-way by public utility companies and others pursuant to 605 ILCS 5/9-113; and

WHEREAS, roads and driveways may obtain access to a county highway upon receipt of a permit from the County Engineer pursuant to 605 ILCS 5/5-413; and

WHEREAS, on February 28, 2006, the DuPage County Board enacted ODT-0001-06, the DuPage County Highway Rights-of-Way Permit and Fee Ordinance; and

WHEREAS, since the passage of said Ordinance, the County has determined the need to adjust violation fees, adjust the fees charged from time to time to meet current market labor and material cost increases incurred by the Division of Transportation by amending the Ordinance.

NOW, THEREFORE, BE IT ORDAINED that ODT-0001-06 is amended to adjust fees and amend language as noted hereafter; and

BE IT FURTHER ORDAINED that Chapter 19, Article II, sections 19-30 through 19-45 of the Code of DuPage County are hereby amended and replaced in its entirety with the following:

19-30: TITLE:

This Ordinance shall be known and may be referred to as the "DuPage County Highway Rights-Of-Way Permit and Fee Ordinance."

19-31: DEFINITIONS:

CONSTRUCTION: Construction shall include, but is not limited to, the installation, removal, relocation, adjustment or modification of any improvement, facility, driveway, signage, structure, road or road appurtenance or any utility or telecommunication line, duct or cable in, over, upon, across, through, under or along any County highway and/or trail rights-of-way.

COUNTY: County means the County of DuPage, a body corporate and politic in the State of Illinois.

COUNTY BOARD: County Board means the County Board of DuPage County, Illinois.

COUNTY ENGINEER: County Engineer means the Illinois Licensed Professional Engineer of the DuPage County Division of Transportation appointed pursuant to the Illinois Highway Code 605 ILCS 5/5-201 et seq., and formerly known as the "Superintendent of Highways."

COUNTY HIGHWAY: County highway means those highways included in the County highway and trail system (including the Great Western Trail and Illinois Prairie Path) pursuant to the Illinois Highway Code 605 ILCS 5/2-102.

FACILITY: Facility means any ditch, drain, pole, wire, cable, tower, box, enclosure, pipeline, conduit, duct, equipment, substation, pole attachment, pedestal, antenna, fixture, appurtenance or other private, commercial, public or utility property.

PERMIT: Permit means the written authorization issued by the County Engineer or his designee for the use or occupation of or modification to the County highway and/or trail rights-of-way.

PERSON: Person means an individual, a public, private or municipal corporation, a governmental agency, a business or other trust, an estate; a partnership, an association, two or more persons having joint or common interest, or any other legal entity.

PERMITTEE: Permittee means any person who obtains a permit to use, modify or occupy the County highway and/or trail rights-of-way in accordance with the terms of this Ordinance.

RIGHTS-OF-WAY: Rights-of-Way mean the land or interest therein, acquired for, used for or devoted to a County highway and/or trail.

ROUTE NUMBER: Route Number means the numerical number assigned by the County to any County highway and trail rights-of-way (e.g. CH 1) pursuant to the Illinois Highway Code 605 ILCS 5/5-108.

TELECOMMUNICATIONS: Telecommunications means the transmittal of voice, data, image, graphic, and/or video programming information, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or other facilities with or without benefit of any closed transmission medium.

TRANSPORTATION COMMITTEE: Transportation Committee means the committee comprised of County Board members appointed by the DuPage County Board Chairman to oversee the policies and activities of the DuPage County Division of Transportation as set forth in the County Board Rules.

UTILITY: Utility means every person as defined herein, their lessees, trustees, or receivers appointed by any court whatsoever that owns, controls, operates or manages, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise or right to engage in:

- A. the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity, water, light, or any other commodity, including that which is used solely for communications or telecommunications purposes that can be transmitted or carried within the County highway and/or trail rights-of-way; or
- B. the disposal of sanitary or stormwater sewerage; or
- C. the conveyance of oil, gas or petroleum product (natural or liquid) by pipeline.

VIOLATION: Violation means the commencement of an activity, event or construction, including, but not limited to utility installation, grading or excavation, or posting of traffic control in, over, upon, across, through, under or along any County highway and/or trail rights-of-way without the approval by the County of an application to obtain the necessary permit required by this Ordinance and/or to hold such an activity or to perform construction without the required permit.

19-32: PURPOSE AND AUTHORITY:

- A. The County Board finds that it holds County highway and trail rights-of-way as an asset for the benefit of its citizens, and that prudent management of that asset includes the regulation of and imposition of fees for certain uses of the County highway and trail rights-of-way by others.
- B. The purpose of this Ordinance is to ensure that the value of the County highway and trail rights-of-way is not diminished or in the event that there is a diminution in value to the County highway and/or trail rights-of-way that adequate compensation is received by the County for said diminution in value.
- C. This Ordinance is not intended to impose a fee for the use of County highways and/or trails by the motoring,

bicycling or pedestrian public, but is intended to compensate for use of County highway and/or trail rights-of-way for commercial, private or utility purposes.

- D. This Ordinance is also intended to compensate the County for its reasonable expenses, including, but not limited to time, materials, equipment and vehicle use/maintenance, associated with the issuance of permits for the use of County highway and/or trail rights-of-way and necessary inspections.
- E. The County Board has authority to implement a County highway and trail rights-of-way management program pursuant to its general police powers, the Counties Code 55 ILCS 5/5-1015 and the Illinois Highway Code 605 ILCS 5/5-101.1 and 5/9-113.

19-33: PERMITS:

- A. Any person, company or entity who desires to obtain access (road or driveway) to/from a County highway and/or trail or use the County highway and/or trail rights-of-way for any other purpose shall, before commencement of construction, activity or event, obtain a permit from the County Engineer, or the duly authorized designee.
- B. The application for a permit shall include the following information:
 - 1. the identity (name, address, telephone number, fax number and e-mail address) of the applicant, including all affiliates of the applicant. If the applicant owns the property adjacent to the subject construction or activity jointly with any other person, that person's or those persons' identity shall also be provided; and
 - 2. the identity (name, address, telephone number, fax number, 24-hour emergency number and e-mail address) of the applicant's designated contact; and
 - 3. if construction is involved:
 - a. preliminary/conceptual site geometric plans, engineering plans and specifications sufficient to describe and locate proposed construction. The engineering plans shall:
 - (1) be signed and sealed by an Illinois Licensed Professional Engineer;

- (2) be designed according to the Illinois Department of Transportation's current edition of the Bureau of Design and Environmental Manual and the Bureau of Local Roads and Streets Manual as well as the DuPage County Division of Transportation's Project Manual standards, specifications and policies; and
 - (3) include, but not be limited to, existing and proposed grading, walk, roadway pavement, curb/gutter, landscape plantings, storm sewer, watermain and sanitary sewer and appurtenances, street lighting, signage, traffic signals and related equipment; and
 - (4) be drawn to engineering scale of between 1"=10' and 1"=50' on plan sheets not less than 8 1/2" x 11" nor greater than 24" x 36".
- b. a plat of survey or lot survey providing the existing conditions of the subject property (i.e. specific trees, structures, signage, improvements, obstructions and facilities, etc.) that the applicant proposes to temporarily or permanently remove, adjust, modify or relocate. The survey shall:
- (1) be signed and sealed by an Illinois Registered Land Surveyor; and
 - (2) be dated within two (2) years of the date of application for the proposed work; and
 - (3) include the legal description of the tax parcel identification number and address for the subject property, if applicable and/or as required by the County;
- c. a preliminary construction schedule and completion date, if applicable and/or as required by the County;
- d. a traffic control plan using the current design practices and standards of the Illinois Department of Transportation and the Federal Highway Authority's "Manual on Uniform Traffic Control Devices," if applicable and/or as required by the County;

- e. a traffic study, site trip generation study and/or intersection design study to verify any required roadway improvements and/or traffic signal installation and/or improvements. The capacity of the County highway system shall not be diminished due to any proposed work. Improvements to the County highway system to maintain highway capacity will be as required by the County Engineer or the duly authorized designee.
- f. provision of a performance bond in the amount of 110% of the construction costs (including, but not limited to, pavement, curb/gutter, topsoil, trench backfill, sidewalk, striping, plantings, traffic control) within the County's highway and/or trail rights-of-way or a minimum of one thousand five hundred dollars (\$1,500.00) for a single-family residence or two thousand five hundred dollars (\$2,500.00) for a multi-family or commercial development or utility, whichever is greater). An engineer's estimate of probable cost or copy of an executed contract document quantities shall accompany the bond to confirm the aggregate amount of said bond. Bond type shall be provided as noted in the DuPage County Highway Permit application procedures; and
- g. provision or verification of payment according to the DuPage County Roadway Impact Fee Ordinance requirements, if applicable; and
- h. the identity (company name, address, telephone number, fax number, contact person and 24 hour emergency phone and e-mail address for that contact) of the general contractor. The general contractor and sub-contractors performing any major roadway improvements (left/right turn lane, intersection connection, traffic signal construction/modification, mainline underground utilities or other as determined and/or required by the County Engineer or the duly authorized designee) shall be pre-qualified by the Illinois Department of Transportation prior to commencement of any work within the County highway and/or trail rights-of-way for the applicable work.

4. if use other than construction is involved:
 - a. the identity of any users. If use by a group is contemplated, the name of the group and the name, address, telephone number, fax number and e-mail address of a contact person and original signature of the individual on the application shall be provided; and
 - b. the nature of the use, including a written description (date, time, location limits on County highway and/or trail system rights-of-way); and
 - c. the provision of a release waiver from a parent or legal guardian for any minors [under eighteen (18) years of age on the date of the requested event or activity] proposed to participate in said requested event or activity.
 5. provision of a certificate of insurance naming the "County of DuPage" as certificate holder and additionally insured in accordance with the provisions as stated within the Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction" (latest edition) and as noted in the DuPage County Highway Permit application procedures; and
 6. such other information as the County Engineer or his designee shall reasonably require.
- C. Issuance of the permit shall be deemed to occur when all applicable permit fees, bonding and insurance have been provided and the permit is counter-signed by the County Engineer or the duly authorized designee, and returned to the applicant.
 - D. The permit shall expire upon completion of construction and restoration of the County highway and/or trail rights-of-way, or upon a date or the occurrence of other conditions as set forth in the permit.
 - E. The County Engineer, by discretion, may require the provision of a maintenance guarantee for the permitted facilities and/or restoration of the County highway and/or trail rights-of-way in an aggregate amount determined by the County Engineer, or the duly authorized designee. The guarantee shall be provided for a time period for a minimum of one (1) calendar year and not to exceed three (3) calendar years from the date of acceptance of the construction and/or

restoration by the County Engineer or the duly authorized designee.

- F. If the application is denied for any reason, the County Engineer or the duly authorized designee shall provide written determination within fourteen (14) calendar days of such denial that state(s) the reason(s) for said denial.
- G. The permittee shall distribute a copy of the issued highway permit with attachments and approved plans/drawings to any contractor, sub-contractor, representative and/or assignee performing any construction or activity within the County's highway and/or trail system rights-of-way under the issued permit prior to commencement of such work or activity.
- H. In all construction work or activity for which a highway permit is required, the highway permit shall be posted on the site, where a site is applicable, in a conspicuous location visible to the County inspector and the general public; or a copy of the highway permit and approved plans/drawings shall be held by the permittee, it's contractor, sub-contractor, representative or assignee while performing the construction or activity under the issued permit within the County highway and/or trail rights-of-way.

19-35: FEES:

- A. Application Fee: Every person, company or entity that applies for a highway permit shall pay, at the time of application, a non-refundable application fee in the amount as set forth in section 19-44: FEE SCHEDULE.
- B. Permit Fee: Every person, company or entity who shall locate, place, construct, repair, replace or remove any facility or perform any activity in, over, upon, across, through, under or along any County highway and/or trail rights-of-way shall pay permit fees for the use of such County highway and/or trail rights-of-way according to the terms and conditions of this Ordinance and as set forth in section 19-44: FEE SCHEDULE.

19-36: RIGHTS GRANTED:

- A. No permit granted under this Ordinance shall confer any exclusive right, privilege or license to use or occupy the County highway and/or trail rights-of-way. The cost to relocate, adjust, modify or remove/dispose of any facility in the County highway and/or trail rights-of-way, which must be performed to accommodate any

government agency construction (improvement, construction or reconstruction), shall be borne solely by the permittee.

- B. No permit granted under this Ordinance shall convey any right, title or interest in the County highway and/or trail rights-of-way, but shall be deemed a permit only to use and occupy the County highway and/or trail rights-of-way for the limited purposes and terms stated in the granting of such permit.
- C. No permit granted under this Ordinance shall be construed as a franchise, permission or authority to provide any service within the County.
- D. No permit granted under this Ordinance shall be construed as "building," "zoning," "stormwater," "public works," "overweight/over-dimension movements" and/or "impact fees" department approval and/or permit.
- E. No permit granted under this Ordinance shall be construed to constitute the County highway and/or trail rights-of-way as a public forum.

19-37: CONSTRUCTION CONDITIONS:

- A. All construction performed by or on behalf of a permittee shall be in accordance with all applicable federal, state and local codes, rules, regulations and building and zoning ordinances.
- B. No permittee shall construct or cause to be constructed, repaired or reconstructed any facilities in the County highway and/or trail rights-of-way unless the permittee has provided a good and sufficient bond, in an amount and terms satisfactory to the County Engineer or the duly authorized designee, to secure performance of all planned construction including restoration.
- C. Any person performing an activity or causing construction within the County highway and/or trail rights-of-way shall indemnify and hold the County of DuPage, its agents and employees, harmless for any and all claims, actions, damages and liability arising out of the construction, the existence of facilities in the County highway and/or trail rights-of-way, the maintenance of facilities in the County highway or trail rights-of-way, or the use and occupancy of the County highway and/or trail rights-of-way.
- D. Any permittee, its contractors or agents, shall provide to the County, a policy of adequate Workers'

Compensation and general liability insurance which names the County of DuPage, its officers, agents and employees, as additional insured and certificate holder for the permitted work or activity. Said policy shall meet the liability limit requirements per current County policy at the time of submittal.

- E. If deemed necessary by the County Engineer due to any potential conflicts with any proposed government agency public improvement, construction or reconstruction, the permittee shall, solely at its cost, relocate, adjust, modify or remove/dispose of the permitted improvements within ninety (90) calendar days of receipt of written notification as directed by the County Engineer or the duly authorized designee. Failure to comply may result in the County seeking legal action under the conditions set forth under section 19-41: REMEDIES, paragraphs A and B of this Ordinance.

19-38: REVOCATION OF PERMIT:

- A. The permit granted pursuant to this Ordinance may be revoked by the County Engineer or the duly authorized designee for the following reasons:
1. construction at an unauthorized location or in a manner inconsistent with plans, documents or specifications submitted to obtain the permit; or
 2. unauthorized transfer of control of the permittee or of assets or of its franchise, certificate or other authorization to offer or provide services without proper notification to the County of such; or
 3. misrepresentation, omission of material fact or fraud by or on behalf of the permittee in any application to the County; or
 4. abandonment of or failure to maintain facilities in the County highway and/or trail rights-of-way; or
 5. failure to remove or relocate facilities as required by the County; or
 6. failure to pay compensation, fees, fines or costs when and as due to the County; or
 7. violation of the provisions of this Ordinance or of any term or condition of the permit; or

8. the failure to properly maintain the bond or other security or insurance coverage provisions for the County; or
 9. revocation or suspension of any federal, state or local license, certificate, regulatory permit or authorization applicable to the operation in the County highway and/or trail rights-of-way.
- B. In the event grounds exist for revocation of a permit granted hereunder, the County Engineer or the duly authorized designee shall give the permittee written notice of the apparent violation or non-compliance, providing a short and concise statement of the nature and general facts of the violation or non-compliance. The permittee shall be granted a reasonable time not exceeding thirty (30) calendar days to furnish evidence that:
1. corrective action has been or is being taken to remedy the violation or non-compliance; or
 2. conclusively rebuts the alleged violation or non-compliance; or
 3. it would be in the public interest to impose some penalty or sanction less than revocation.
- C. If a permittee in apparent violation or non-compliance fails to provide evidence reasonably satisfactory to the County Engineer under paragraph B above, the County Engineer or the duly authorized designee shall provide the permittee with at least five (5) calendar days notice and a reasonable opportunity to be heard concerning the matter.
- D. If the County Engineer or the duly authorized designee determines that the permittee has violated or failed to comply with the provisions of this Ordinance or the terms and conditions of the permit, the permit will be revoked unless a lesser penalty or sanction is imposed. In determining whether a lesser penalty or sanction is appropriate the County may consider the nature, circumstances, extent and gravity of the violation or non-compliance, including the following factors:
1. whether the misconduct was egregious;
 2. whether substantial harm to persons or property resulted;
 3. whether the conduct was intentional, reckless, inadvertent, knowing or otherwise;

4. whether permittee has a history of prior violations or non-compliance, or whether there is a history of overall compliance; and
 5. whether the violation was voluntarily disclosed, admitted or cured.
- E. In the event a violation or non-compliance creates an immediate and substantial danger to the public health, safety and welfare, the notice and hearing procedures of paragraphs B and C hereinabove may occur after revocation or after the County Engineer or the duly authorized designee has acted to control or correct the danger.
- F. The decision of the County Engineer or the duly authorized designee to revoke a permit may be appealed to the Transportation Committee. The Transportation Committee shall hear the appeal at its first regularly scheduled meeting following receipt of notice, subject to the provisions of the Illinois Open Meetings Act, and its decision shall be the final action of the County with respect to the appeal. Any appeal shall be made in writing to the County c/o the Division of Transportation, 421 N. County Farm Road, Wheaton, Illinois 60187-2553 within fourteen (14) calendar days of notice of a decision by the County Engineer or the duly authorized designee.

19-39: REINSTATEMENT OF PERMIT:

The County Engineer may reinstate a permit if:

- A. A permit application and applicable fees and fines are paid and submitted, and the County Engineer or the duly authorized designee has issued a permit.
- B. An amended application is submitted correcting any misrepresentations included in the original permit application.
- C. The permittee provides proof that the required bonds or other security and insurance have been reinstated to provide sufficient coverage of the County.
- D. The permittee corrects work that does not conform to applicable standards, conditions, federal, state, County or local laws.
- E. The permittee agrees to follow all provisions of the permit and makes any reparations for the perpetration

or attempt to perpetrate any fraud or deceit upon the County.

- F. The conditions posing a hazardous situation or constituting a public nuisance, public emergency, or other threat to public health, safety, or welfare are corrected or removed.

19-40: EXEMPTIONS:

- A. There are no exemptions to the application fee required as set forth in section 19-35: FEES, paragraph A of this Ordinance when the County is the underlying owner of the highway or trail rights-of-way.
- B. A permit applicant may be exempted from the permit fees set forth in section 19-35: FEES, paragraph B of this Ordinance:
 1. by submitting proof that it has previously been granted a permanent right to use or occupy the County highway and/or trail rights-of-way or that the County otherwise has insufficient interest in the County highway and/or trail rights-of-way. A decision to grant an exemption shall be made by the County Engineer or the duly authorized designee. In the event the County Engineer fails to grant an exemption, the decision may be appealed within fourteen (14) calendar days upon written notice to the County c/o the Division of Transportation, 421 N. County Farm Road, Wheaton, Illinois 60187-2553. The Transportation Committee shall hear the appeal at its first regularly scheduled meeting following receipt of notice, subject to the provisions of the Illinois Open Meetings Act, and its decision shall be the final action of the County with respect to the exemption; or
 2. when a local government agency performs emergency repairs of existing utilities or facilities, the waiver of the permit fees will be at the discretion of the County Engineer or the duly authorized designee and will be documented thus. However, a permit is required and the application fee will remain in effect for said emergency construction or activity; or
 3. when a utility performs relocation, adjustment or removal of existing utilities or facilities due to a government agency project. The waiver of the permit fees will be at the discretion of the County Engineer or the duly authorized designee and will be documented thus. However, a permit is required and

the application fee will remain in effect for said work.

19-41: REMEDIES:

- A. The County reserves the right to initiate any legal action or judicial proceeding including injunction, abatement, ejectment or damages, to correct any violation of this Ordinance, or to preserve the County highway and/or trail rights-of-way, or to prevent the unauthorized use of the County highway and/or trail rights-of-way.
- B. The County may initiate any legal action or judicial proceedings to collect any fees due hereunder.
- C. In addition to the foregoing, and to any other remedies provided by law, when non-payment, non-compliance or violation of this Ordinance occurs, the County Engineer may determine not to issue to the violator any subsequent permits and may suspend review of any pending application until payment has been made or the non-compliance or violation has been remedied.

19-42: PENALTIES:

- A. Violation: In addition to the application fee, a five hundred dollar (\$500.00) violation fee will be assessed when any work, event or other activity within the County highway and/or trail rights-of-way requiring a permit has commenced without an application having been submitted to the County for said work, event or activity.
- B. Fine: Any person who violates any provision of this Ordinance or fails to comply with any requirements thereof, or who shall construct, alter, repair, disconnect, remove any facility or amenity or hold an activity or event within the County highway and/or trail rights-of-way in violation of an approved plan or directive of the County Engineer or his designee, or fails to obtain a permit issued under the provisions of this Ordinance shall be guilty of an offense punishable by a fine equal to the greater of:
 - 1. twice the standard calculated permit fees under section 19-44: FEE SCHEDULE for the application submitted; or
 - 2. an amount sufficient to correct any deficiencies or maintain the proper movement and safety of the motoring, bicycling, pedestrian and equestrian public; or

3. a minimum two hundred fifty (\$250.00) fine.

Each day that a violation continues shall be deemed a separate offense. The imposition of any fine shall not exempt the offender from compliance with the requirements of this Ordinance.

C. Non-Sufficient Funds (NSF): With any payment made to the County under this ordinance and returned to the County Treasurer as "non-sufficient funds," the applicant or permittee shall be assessed an additional fee of a minimum of thirty dollars (\$30.00) or equal to the County Treasurer's penalty assessed to the Division of Transportation, whichever fee is greater. This fee, along with any application and/or permit fees assessed remaining outstanding, shall be paid prior to the holding of any event or further commencement of any construction according to section 19-38: REVOCATION OF PERMIT, paragraph A. 6 of this Ordinance.

19-43: SEVERABILITY:

In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or section of the Ordinance, which shall remain in full force and effect.

19-44: FEE SCHEDULE:

<u>PERMIT TYPE:</u>	<u>DESCRIPTION:</u>	<u>APP. FEE:</u>	<u>PERMIT FEE:</u>	<u>NOTES:</u>
<u>A. ACCESS</u>				
1.	Temporary construction (non-permanent)	\$100	\$250	(Per access)
2.	New residential (single family)	\$100	\$150	(Per access)
3.	New commercial, multi-family and/or side street connection	\$100	\$500	(Per access)
4.	Left and/or right turn lane	\$100	\$500	(Per installation)
5.	Intersection maintenance - Signalized (resurface, repair, modify)	\$100	\$150	(Per intersection)
6.	Intersection maintenance - Non-signalized (resurface, repair, modify)	\$100	\$50	(Per intersection)
7.	Existing single-family entrance revision (repair, replace, modify and/or remove)	\$100	\$50	(Per access) (<u>D.</u> <u>LANDSCAPING</u> fees may apply)
8.	Existing commercial/multi-family entrance revision (repair, replace, modify and/or remove)	\$100	\$100	(Per access) (<u>D.</u> <u>LANDSCAPING</u> fees may apply)

19-44: FEE SCHEDULE (cont'd):

<u>PERMIT TYPE:</u>	<u>DESCRIPTION:</u>	<u>APP. FEE:</u>	<u>PERMIT FEE:</u>	<u>NOTES:</u>
<u>B. UTILITIES</u>				
	1. Residential and/or commercial service connections (storm, sump/downspout, sanitary, water, gas, electric and/or telecommunication) (new, repair, replace, modify and/or remove)	\$100	\$100	(Per connection, disconnection and/or installation)
	2. Mainline underground (non-pavement, open-cut trenching method) (new, repair, replace, modify and/or remove)	\$100	\$10	(Per 100' increment) <u>(B. UTILITIES</u> 1. service / 6. structure fees may apply)
	3. Mainline underground (directional bore method) (new, repair, replace, modify and/or remove)	\$100	\$10	(Per 500' increment) <u>(B. UTILITIES</u> 1. service / 6. structure fees may apply)
	4. Underground public utility (in existing duct) (new, replace and/or remove)	\$100	N/A	<u>(C. TRAFFIC CONTROL</u> / 2. daily lane closure fees may apply)
	5. Mainline aerial (on existing poles) (new, repair, replace, modify and/or remove)	\$100	N/A	<u>(C. TRAFFIC CONTROL</u> / 2. daily lane closure fees may apply)
	6. Utility structure (pole, manhole, hydrant, etc.) (new, repair, replace, modify and/or remove)	\$100	\$10	(Per structure)
	7. Storm sewer (mainline, taps and/or structures) (new, repair, replace, modify and/or remove)	\$100	(A)	(\$10/100' increment) <u>(B. UTILITIES</u> / 6. structure fees may apply)
	8. Emergency mainline, service and/or structure repair(s) (leaks or breaks <u>only</u>)	\$100	TBD	<u>(E. PAVEMENT OPEN-CUT / C. TRAFFIC CONTROL</u> fees may apply)
	9. Relocation and/or adjustments of existing facilities (due to government agency project)	\$100	(A)	<u>(E. PAVEMENT OPEN-CUT / C. TRAFFIC CONTROL</u> fees may apply)
<u>C. TRAFFIC CONTROL/SIGNAGE</u>				
	1. Temporary road closure and/or detour	\$100	\$75	Per day
	2. Daily lane closure(s) (9 a.m. to 4 p.m., M-F)	\$100	N/A	
	3. Lane closure(s) between 12:00 a.m. and 9:00 a.m. and/or 4:00 p.m. and 12:00 a.m.)	\$100	\$75	Per day
	4. Municipal, subdivision entry or memorial signage	\$100	\$50	(Per sign)
<u>D. LANDSCAPING</u>				
	1. Parkway, median trees and/or plantings	\$100	(A)	(Per project)
	2. Paths and/or walks (new, remove and/or replace)	\$100	\$25	(Per 50' increment)
	3. Benches, fountains, garbage cans, kiosks, etc. (public use)	\$100	(A)	(Per project)
	4. Fence, guardrail, railing	\$100	\$50	(Per 100' increment)
	5. Grading, topsoil, seed or sod installation	\$100	(A)	(Per project)

19-44: FEE SCHEDULE (cont'd):

<u>PERMIT TYPE:</u>	<u>DESCRIPTION:</u>	<u>APP. FEE:</u>	<u>PERMIT FEE:</u>	<u>NOTES:</u>
<u>E. PAVEMENT OPEN-CUT</u>				
1.	Roadway pavement open-cut	\$100	\$500	(Per occurrence)
2.	Pavement cut additional fees	N/A	\$25	(Per square foot surface area cut) (<u>C. TRAFFIC CONTROL</u> / 2. daily lane closure fees may apply)
<u>F. SIGNALS/LIGHTING</u>				
1.	Existing signal equipment revision (modification, addition, remove)	\$100	\$500	(Per intersection)
2.	New traffic signal equipment	\$100	\$1,000	(Per installation)
3.	Temporary signals	\$100	\$500	(Per installation)
4.	Street and/or path lighting and/or luminaire(s)	\$100	\$10	(Per structure)
<u>G. MISC.</u>				
1.	Soil borings, pavement corings and/or monitoring wells	\$100	\$10	(Per boring/well)
2.	Highway and/or trails race, special event, parade and/or Rugaard Gazebo use (Villa Park)	\$50	N/A	(Per event)
<u>H. ADMINISTRATIVE</u>				
1.	Violations (no permit)	\$100	\$500	(Per occurrence, per day)
2.	Fine(s)	N/A	*	(Per occurrence, per day)
3.	Extension of <u>existing</u> permit	N/A	\$50	[Per 6 month increment up to one (1) year maximum]
4.	Regulatory, informational and/or warning signage	N/A	\$300	[Two (2) signs & one (1) post] [Additional fee for additional sign(s)/post(s)]

NOTES:

(A) = Fee TBD (to be determined) on a case by case basis by the County Engineer, or the duly authorized designee, taking into consideration materials (i.e. sewer pipe and manhole materials/sizes, frame/lids, future maintenance responsibilities, facilities, etc.), extent of work proposed and labor and material costs incurred by the Division of Transportation to inspect and maintain the permitted facilities.

* = If an application has been submitted and the application fees have been provided, but a highway permit has not been issued prior to the commencing of construction or activity within the County highway and/or trail rights-of-way, fines shall be assessed as enumerated under section 19-42: PENALTIES, paragraph B (1, 2 or 3 as is applicable) of this Ordinance.

19-45: DISTRIBUTION:

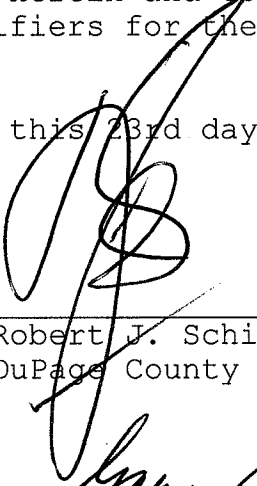
Certified copies of this Ordinance shall be sent to the Illinois Department of Transportation, the Illinois State Toll Highway Authority, each of the municipalities having territory within the County, the nine (9) Township Highway Departments having jurisdiction within the County, the County Auditor, the County Treasurer, the DuPage County State's Attorney's Office, the County Finance Department, the County Department of Economic Development and Planning, the County Public Works Department, the County Stormwater Engineering Department, the County Board and all public utilities that service the County through the Division of Transportation.

19-46: EFFECTIVE DATE:

This Ordinance shall be effective upon its adoption.

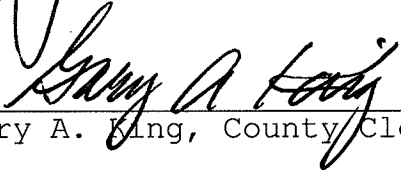
BE IT FURTHER ORDAINED that the County Clerk is directed to publish notice hereof in a newspaper of general circulation within DuPage County, transmit certified copies of the Ordinance pursuant to section 19-45 herein and to transmit a copy of this Ordinance to Sterling Codifiers for the purpose of updating the County's electronic Code.

Enacted and approved this 23rd day of March, 2010 at Wheaton, Illinois.



Robert J. Schillerstrom, Chairman
DuPage County Board

ATTEST:



Gary A. King, County Clerk

Ayes: 15
Absent: 3