

ORDINANCE 2022-44

ORDINANCE APPROVING AN AMENDMENT TO CHAPTER 96 TELECOMMUNICATIONS ARTICLE II. CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY, SEC. 96-116 CONSTRUCTION METHODS AND MATERIALS TO THE NILES CODE OF ORDINANCES

WHEREAS, the Village President and Board of Trustees (hereinafter collectively referred to as the “Village Board”) of the Village of Niles, Cook County, Illinois (hereinafter the “Village”), find that the Village is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and pursuant to said constitutional authority, may exercise and perform any function pertaining to its governmental affairs; and

WHEREAS, this action will provide updated guidelines to ensure that damaged streets, sidewalks and driveways are restored to conditions are standard practice in pavement construction (“Amendment”); and

WHEREAS, this Amendment provides the applicable Village departments the ability to enforce the construction details and standards that are common in the industry; and

WHEREAS, the corporate authorities of the Village of Niles, Cook County, Illinois have duly considered said request; and

WHEREAS, the President and Board of Trustees have determined approving the Amendment will serve and be in the best interest of the Village.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Niles, Cook County, Illinois, as a Home Rule Municipality, as follows:

SECTION 1: Chapter 96 Telecommunications Article II Flood Damage, Sec. 96-116 Construction methods and materials of the Niles Code of Ordinances shall be amended as follows:

Sec. 96-116. Construction methods and materials

- (a) Standards and requirements for particular types of construction methods.

* * *

- (4) *Pavement ~~cuts~~ restoration.* ~~Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic.~~ restoration including highway, sidewalk and driveway pavements for facility installation or repair shall be permitted only if they are closed to vehicular and/or pedestrian traffic. If a variance to the limitation set forth in

this subsection (4) is permitted under section 96-121, the following requirements shall apply:

- a. Any excavation under pavements shall be backfilled and compacted ~~as soon as practicable~~ within 48 hours with granular material of CA-6 or ~~CA-7~~ CA-10 gradation, as designated by the Director of Public Works.
- b. Restoration of pavement, ~~in-kind~~, shall be ~~accomplished as soon as practicable~~, completed to the satisfaction of the Director of Public Works or his/her designee and in accordance with pavement restoration standards established by the Department of Public Works. Restoration shall be completed within 10 business days, weather permitting. and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the ~~V~~millage.
- c. All saw cuts shall be full depth. Saw cuts of sidewalk and driveway pavements shall be done at existing joints.
- d. For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

SECTION 2: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 3: That this Ordinance be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 5: That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED: This 26th day of July, 2022
AYES: 5 Alpogianis, Jekot, Matyas, Niedermaier, Strzelecki
NAYS: 0
ABSENT: 1 LoVerde
ABSTAIN: 0

APPROVED by me this 26th day of July, 2022.

President of the Village of Niles
Cook County, Illinois

ATTESTED AND FILED in my office this 26th day of July, 2022, and published in pamphlet form as provided by law in the Village of Niles, Illinois.

Village Clerk