

COAL CITY VILLAGE BOARD MEETING

THURSDAY
JUNE 28, 2018
7:00 P.M.

COAL CITY VILLAGE HALL
515 S. BROADWAY, COAL CITY, ILLINOIS

REVISED AGENDA

1. Call meeting to order
2. Pledge of Allegiance
3. Approval of Minutes June 18, 2018
4. Approval of Warrant List
5. Public Comment
6. Ordinance 18-13 Approval of Small Cell Sites Regulations
7. Resolution 18-19 Approval of a 2" Bore Crossing Beneath Rt. 113
For New Water Service



DIAMOND BUSH
DiCIANNI
& KRAFTHOFER

A Professional Corporation
175 E. Hawthorn Parkway, Suite 145
Vernon Hills, IL 60061
www.ancelglink.com

Adam B. Simon
asimon@ancelglink.com
Jessica E. DeWalt
jdwalt@ancelglink.com

MEMORANDUM

To: Municipal Clients

From: Adam B. Simon
Jessica E. DeWalt

Subject: Small Wireless Facilities Deployment Act
Recommended Amendments to Right-of-Way Management Ordinance

Date: May 16, 2018

On June 1, 2018, the Small Wireless Facilities Deployment Act (the “Act”) will become effective. As a result, the power for municipalities to control the attachment of “small cell” antennas to right-of-way infrastructure, and the installation of new infrastructure to support small wireless facilities, will be limited. However, you should not get the impression that your regulatory authority has been completely eliminated. There are still important rules which your community can enact and enforce. This memorandum highlights our recommended amendments to your right-of-way management ordinance to comply with the Act.¹ If you have any questions about the amendments or their application to a particular facility, please contact either one of us or your regular Ancel Glink attorney for assistance.

ZONING NOTE: We have elected not to combine into this ordinance the changes the Act requires be made to your zoning code. For one, each zoning code is unique, so it is impossible to create a model amendment. Moreover, a zoning amendment requires a public hearing and your right-of-way regulations do not. For these reasons, we strongly encourage you to adopt the attached amendments as soon as possible, but also to begin the process of amending your zoning code as it relates to small wireless facilities located on property zoned for commercial or industrial uses, which the Act designates as permitted uses. No change needs to be made for small wireless facilities located in residential zones or to the rules applicable to macro-wireless antenna facilities (e.g. monopoles).

¹ Please be advised that the memorandum, and the attached ordinance, is explicitly based on the model right-of-way ordinance published by the Illinois Municipal League in response to the enactment of the Cable and Video Competition Law of 2007 (the “IML Ordinance”). If your right-of-way management ordinance does not match the IML Ordinance, please contact either one of us or your regular Ancel Glink attorney if you wish to adopt it for your community.

Small Wireless Facilities Deployment Act
Recommended Amendments to Right-of-Way Management Ordinance
May 16, 2018
Page 2

Definitions. The additional definitions are taken from the terms defined in the Act. We want to highlight a couple words that are important for the implementation and enforcement of the new rules.

Historic District/Historic Landmark. This term requires the district or landmark to be formally designated pursuant to State or federal program guidelines. A community cannot simply designate an area or property as “historic” for the purpose of frustrating the ability for wireless providers to install small wireless facilities. Nonetheless, when a property or district is granted this designation, your community can enforce strong rules to protect the intrinsic characteristics of the property or district.

Small Wireless Facility. This definition also serves to regulate the maximum size of a small cell antenna installation. Municipal regulations may not require small wireless facilities to be smaller than the dimensions described in this definition, but wireless providers do not enjoy the benefits of the Act if they elect to make a facility larger than the size described.

Permits Required; Application and Fees. Even though the Act deems small wireless facilities as permitted uses in the right-of-way and in areas zoning exclusively for commercial or industrial uses, it does not take away your right to demand a permit application and to review plans. However, when a wireless provider wants to perform routine maintenance, replace an existing small wireless facility with a substantially similar substitute, or install micro wireless facilities, no permit or application may be required so long as the wireless provider gives you 10 days prior notice.

The Act permits the community to require specific application materials as part of a complete permit application. Importantly, you may require a site specific structural analysis and engineering drawing for each proposed small wireless facility covered by the application that has been prepared and stamped by a licensed engineer. The plans must demonstrate that the utility pole or municipally-owned infrastructure is safely capable of supporting the small wireless facility in all reasonably foreseeable weather conditions without creating a risk to public health and safety.

The Act limits the amount of permit fees that the community may charge depending on the number of small wireless facilities combined in one application and whether a new pole is required. A wireless provider may combine up to 25 small wireless facilities in one application, but you may accept or deny each location separately.

Small Wireless Facilities Deployment Act
Recommended Amendments to Right-of-Way Management Ordinance
May 16, 2018
Page 3

Action on Permit Application. Much like with large-scale cellular installations, the Act creates a shot clock for how long you may review an application. The Act expresses that an application to collocate a small wireless facility on an existing pole shall be **deemed approved** if no action is taken within 90 days from when it is submitted. The deadline is extended to 120 days for new poles. It is very important to promptly determine if each application is complete because the community may toll the shot clock only if it gives notice to the applicant within the first 30 days that the application is incomplete. The shot clock is then extended for so long as it takes for the applicant to supplement the application.

If your permit officer determines the application should be denied, the decision must be communicated to the applicant in writing with citations to the specific Code requirements that the application fails to satisfy. A denied application may be resubmitted, in response to which the community must make a decision within only 30 days.

Effect of Permit. A permit to install a small wireless facility is only valid for 180 days, after which it shall expire and the applicant must start from scratch. Permits must grant authority for the small wireless facility for not less than five years.

Annual Recurring Rates for Small Wireless Facilities. In the event the applicant wishes to install a small wireless facility on municipally-owned infrastructure (e.g. light pole), the community may charge rent at a rate no greater than \$200 per year. The rent may be higher only if the municipality can demonstrate its actual, direct and reasonable costs for hosting the equipment. The statute does contain a provision which avoids the nullification of any existing pole attachment agreement which provides for other rate schedules, but only for facilities which are installed before the second anniversary of the effective date of the Act.

Public Safety and Traffic Control. The Act protects the operation of wireless dispatch radios and allows the municipality to order the wireless provider to eliminate any unacceptable interference. Because the wireless radio spectrum is closely regulated by the FCC, it is unlikely that such interference will occur, but if it does the public safety system is given first priority.

Location of Facilities. It is in this section of the amended ordinance where the community may exercise its greatest control over small wireless facilities. Unfortunately, you may not require the placement of small wireless facilities on a particular utility pole. However, should the application necessitate the installation of a new utility pole, the Village may propose that the small wireless facility be collocated

Small Wireless Facilities Deployment Act
Recommended Amendments to Right-of-Way Management Ordinance
May 16, 2018
Page 4

on an existing utility pole or existing support structure within 100 feet of the proposed collocation.

To qualify as a small wireless facility, the new antenna attachment may be no greater than 10 feet above the height of the pole to which it is attached. New poles may not exceed 45 feet in height or 10 feet taller than the height of the tallest existing pole located within 300 feet along the same road, whichever is higher.

It is very important to recognize that the Act grants authority to apply generally applicable design and appearance standards to facilities located in the right-of-way. As a result, we have recommended special aesthetic regulations for three categories of neighborhoods in the community: (1) residential zones, (2) areas identified in your planning or economic development ordinances as having special aesthetic or economic significance to the community, and (3) historic districts and landmarks. The ordinance also contains images that are intended to be examples of small wireless facilities that have implemented a stealth or camouflage design. While the Act allows you to enforce this type of design, the rule must be balanced with the permitted dimensions for a small wireless facility (6 cubic feet in volume). Therefore, the community may wish to create incentives for the use of stealth or camouflage designs by granting administrative height variances in consideration for the diminished aesthetic impact. Furthermore, if an existing pole has been erected with a design intended to conceal the appearance of an attachment in accordance with the Village's written design standards, a new small wireless facility may not be attached in a way which defeats the concealment.

Removal, Relocation or Modification. The Act provides for special rules applicable to the removal of abandoned small wireless facilities which have been incorporated into the amendments. A small wireless facility shall be deemed abandoned if it is not operated for a continuous period of 12 months. Once it is deemed abandoned, it must be removed within 180 days.

Variations. While there are no changes to this section of the right-of-way management rules, the Act emphasizes the availability of variance procedures to avoid the strict enforcement of your rules in a way which would result in a *de facto* denial, even where the rules do not represent a ban on the facilities. Because the State has declared that small wireless facilities are a permitted and intended use of the right-of-way, you will develop a better relationship with wireless providers, and perhaps receive more cooperation in return, if you administer your rules as a partner rather than an enemy combatant.

THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 18 - __

**AN ORDINANCE AMENDING THE RIGHT-OF-WAY MANAGEMENT ORDINANCE
TO PROVIDE FOR REGULATION OF THE INSTALLATION OF CERTAIN SMALL
WIRELESS FACILITIES IN THE RIGHT-OF-WAY**

TERRY HALLIDAY, Village President
PAMELA M. NOFFSINGER, Village Clerk

SARAH BEACH
ROSS BRADLEY
TIMOTHY BRADLEY
DANIEL GREGGAIN
NEAL NELSON
DAVID SPESIA
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Coal City

on _____, 2018

ORDINANCE NUMBER 18 - __

AN ORDINANCE AMENDING THE RIGHT-OF-WAY MANAGEMENT ORDINANCE TO PROVIDE FOR REGULATION OF THE INSTALLATION OF CERTAIN SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY

WHEREAS, the Village of Coal City (“Village”) is an Illinois non-home rule municipal corporation, organized and operating pursuant to the Constitution and laws of the State of Illinois; and

WHEREAS, the Village is authorized under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, and Illinois law to adopt ordinances pertaining to the public health, safety and welfare; and

WHEREAS, the Village is further authorized to adopt the amendments contained herein pursuant to its authority to regulate the public right-of-way under section 11-80-1 *et seq.*, of the Illinois Municipal Code; and

WHEREAS, the Village uses the public right-of-way within its Village limits to provide essential public services to its residents and businesses. The public right-of-way within the Village is a limited public resource held by the Village for the benefit of its citizens and the Village has a custodial duty to ensure that the public right-of-way is used, repaired, and maintained in a manner that best serves the public interest; and

WHEREAS, growing demand for personal wireless telecommunications services has resulted in increasing requests nationwide and locally from the wireless industry to place small wireless facilities on Village-owned structures in the public right-of-way. While State and federal law limit the authority of local governments to enact laws that unreasonably discriminate among providers of functionally equivalent services, prohibit, or have the effect of prohibiting the provision of telecommunications services by wireless service providers, the Village is authorized, under existing State and federal law, to enact appropriate regulations and design standards relative to small wireless facility installations in the public right-of-way; and

WHEREAS, in anticipation of continued increased demand for placement of small wireless facility installations within the public right-of-way and in accordance with the Small Wireless Facilities Deployment Act, the Village Board finds that it is in the best interests of the public health, safety and general welfare of the Village to adopt the ordinance below in order to establish generally applicable standards for the use of such facilities and installations within the public right-of-way in the Village so as to, among other things: (i) preserve the character of the neighborhoods in which small wireless facilities are installed; (ii) minimize any adverse visual impact of small wireless facilities and prevent visual blight in the neighborhoods in which facilities are installed; (iii) codify the application and permitting procedure for the installation of small wireless facilities in the Village; (iv) establish the annual recurring rates for small wireless facilities; and (v) codify the removal, relocation, or modification requirements for small wireless facilities placed in the Village right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, as follows:

SECTION 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section. The findings and recitals herein are declared to be prima facie evidence of the law of the Village and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Section 2. Enactment. That Article 95, Article V of the Village Code, entitled “Construction of Utility Facilities in the Right-of-Way,” is hereby amended with all existing provisions not set forth below continuing in full effect as currently written (additions in underline, deletions in ~~strikethrough~~):

Article 95. Streets and Sidewalks

Article V. Construction of Utility Facilities in the Right-of-Way

95-100 Purpose and scope; franchises, licenses and agreements.

- A. Purpose. The purpose of this article is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.
- B. Intent. In enacting this Article, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by establishing uniform standards to address issues presented by small wireless facilities and utility facilities, including without limitation:
- 1) Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
 - 2) Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 - 3) Prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or public property;
 - 4) Protect against environmental damage, including damage to trees, from the installation of utility facilities;
 - 5) Protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
 - 6) Preserve the character of the neighborhoods in which facilities are installed;
 - 7) Preserve open space, particularly the tree-lined parkways that characterize the Village's residential neighborhoods;
 - 8) Prevent visual blight from the proliferation of facilities in the rights-of-way; and
 - 9) Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.
- C. Facilities Subject to This Article. This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the wireless provider or utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

- D. Franchises, licenses, or similar agreements. The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this article.
- E. Effect of franchises, licenses, or similar agreements.
- 1) Utilities other than telecommunications providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
 - 2) Telecommunications providers. In the event of any conflict with, or inconsistency between, the provisions of this article and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- F. Conflicts with other articles. This article supersedes all articles or parts of articles adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- G. Conflicts with state and federal laws. In the event that applicable federal or state laws or regulations conflict with the requirements of this article, the utility shall comply with the requirements of this article to the maximum extent possible without violating federal or state laws or regulations.
- H. Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this Article and may exercise the power described in Section 95-121 to vary the standards, conditions, and requirements expressed in this Article when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

95-101. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not defined in this section shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.

AASHTO

American Association of State Highway and Transportation Officials.

ANSI

American National Standards Institute.

ANTENNA

Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of any type of wireless communications services.

APPLICANT

A person applying for a permit under this article.

ASTM

American Society for Testing and Materials.

BACKFILL

The methods or materials for replacing excavated material in a trench or pit.

BORE or BORING

To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

CABLE SERVICE

That term as defined in 47 U.S.C. § 522(6).

CABLE SYSTEM

That term as defined in 47 U.S.C. § 522(7).

CARRIER PIPE

The pipe enclosing the liquid, gas or slurry to be transported.

CASING

A structural protective enclosure for transmittal devices such as carrier pipes, electrical conductors, and fiber-optic devices.

CLEAR ZONE

The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

CODE

The Village of Coal City Code of Ordinances.

COLLOCATE or COLLOCATION

To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

COMMUNICATIONS SERVICE

Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(33), as amended; or wireless service other than mobile service.

COMMUNICATIONS SERVICE PROVIDER

A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

CONDUCTOR

Wire carrying electrical current.

CONDUIT

A casing or encasement for wires or cables.

CONSTRUCTION or CONSTRUCT

The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

COVER

The depth of earth or backfill over buried utility pipe or conductor.

CROSSING FACILITY

A facility that crosses one or more right-of-way lines of a right-of-way.

DISRUPT THE RIGHT-OF-WAY

Any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil' and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

EMERGENCY

Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

ENCASEMENT

Provision of a protective casing.

ENGINEER

The Village Engineer or his or her designee.

EQUIPMENT

Materials, tools, implements, supplies, and/or other items used to facilitate construction

of facilities.

EXCAVATION

The making of a hole or cavity by removing material, or laying bare by digging.

EXTRA HEAVY PIPE

Pipe meeting ASTM standards for this pipe designation.

FACILITY

All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber-optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, small wireless facilities, as defined in this Article, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this article. For purposes of this article, the term "facility" shall not include any facility owned or operated by the Village.

FREESTANDING FACILITY

A facility that is not a crossing facility or a parallel facility, such as a monopole, utility pole, antenna, transformer, pump, or meter station.

HAZARDOUS MATERIALS

Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Engineer to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

HIGHWAY

A specific type of right-of-way used for vehicular traffic, including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

HISTORIC DISTRICT OR HISTORIC LANDMARK

A building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

HOLDER

A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, ILCS Ch. 220, Act 5, § 21-401.

ICC

Illinois Commerce Commission.

IDOT

Illinois Department of Transportation.

J.U.L.I.E.

The Joint Utility Locating Information for Excavators utility notification program.

JACKING

Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

JETTING

Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

JOINT USE

The use of pole lines, trenches or other facilities by two or more utilities.

MAJOR INTERSECTION

The intersection of two or more major arterial highways.

MONOPOLE

A structure composed of a single spire, pole or tower designed and principally used to support antennas or related equipment and that is not a utility pole.

MUNICIPALLY-OWNED INFRASTRUCTURE

Infrastructure in the public right-of-way within the boundaries of the Village, including, but not limited to, streetlights, traffic signals, towers, structures, or buildings owned, operated or maintained by the Village.

OCCUPANCY

The presence of facilities on, over or under a right-of-way.

PARALLEL FACILITY

A facility that is generally parallel or longitudinal to the center line of a right-of-way.

PARKWAY

Any portion of the right-of-way not improved by street or sidewalk.

PAVEMENT CUT

The removal of an area of pavement for access to facility or for the construction of a

facility.

PERMITTEE

That entity to which a permit has been issued pursuant to §§ 95-104 and 95-105.

PETROLEUM PRODUCTS PIPELINES

Pipelines carrying crude or refined liquid petroleum products, including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

PRACTICABLE

That which is performable, feasible or possible, rather than that which is simply convenient.

PRESSURE

The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

PRIVATE LINE

A dedicated non-traffic-sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations.

RESTORATION

The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

RIGHT-OF-WAY or RIGHTS-OF-WAY

Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-way" or "rights-of-way" shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

ROADWAY

That part of the highway that includes the pavement and shoulders.

SECURITY FUND

That amount of security required pursuant to §95-110.

SHOULDER

A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

SMALL WIRELESS FACILITY

A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an

antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

UTILITY

The individual or entity owning or operating any facility that is not a small wireless facility as defined in this Article.

SOUND ENGINEERING JUDGMENT

A decision(s) consistent with generally accepted engineering principles, practices and experience.

TELECOMMUNICATIONS

A. This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide-area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities.

B. "Telecommunications" shall not include value-added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. § 521 et seq.), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 CFR 76-1500 et seq.), as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER

Any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER

Every person engaged in making sales of telecommunications at retail as defined herein.

TRENCH

A relatively narrow open excavation for the installation of an underground facility.

UTILITY

The individual or entity owning or operating any facility as defined in this article.

UTILITY POLE

An upright pole designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, which are used to provide lighting, traffic control, signage, or a similar function.

VENT

A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

VIDEO SERVICE

That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, ILCS Ch. 220, § 21-201(v).

VILLAGE

The Village of Coal City.

WATER LINES

Pipelines carrying raw or potable water.

WET BORING

Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

WIRELESS FACILITY

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. "Wireless facility" includes small wireless facilities. "Wireless facility" does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structure or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

WIRELESS INFRASTRUCTURE PROVIDER

Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

WIRELESS PROVIDER

A wireless infrastructure provider or a wireless service provider.

WIRELESS SERVICES

Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

WIRELESS SERVICES PROVIDER

A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE

A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include a utility pole.

95-102. (Reserved)

95-103. Annual Registration Required.

Every wireless provider or utility that occupies right-of-way within the Village shall register on January 1 of each year with the Engineer, providing the registrant's name, address and regular business telephone and teletype numbers, the name of one or more contact persons who can act on its behalf ~~of the utility~~ in connection with emergencies involving the ~~utility's~~ registrant's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in §95-108 of this Article, in the form of a certificate of insurance.

95-104. Permit Required; Applications and Fees.

- A. Permit Required. No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this Article), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the Village Engineer and obtaining a permit from the Village therefore, except as otherwise provided in this Article.

No application, approval, or permit shall be required for routine maintenance, the replacement of small wireless facilities that are substantially similar, the same size or smaller, if the wireless provider notifies the Village at least 10 days prior to the planned replacement, or the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable safety codes. The Village may require a permit to work within the right-of-way for activities that affect traffic patterns or that require lane closures.

- B. Permit Application. All applications for permits pursuant to this Article shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly. The application for a small wireless facility, along with

supporting information and notices, must be submitted to the Village Engineer].

C. Minimum General Application Requirements. The application shall be made by the wireless provider or utility or its the duly authorized representative and shall contain, at a minimum, the following:

- 1) The ~~utility's~~ applicant's name and address and telephone and telecopy numbers;
- 2) The applicant's name and address, if different than the wireless provider or utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
- (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- 5) Evidence that the wireless provider or utility has placed on file with the Village:
 - i) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - ii) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the Village finds that additional information or assurances are needed;
- 6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- 7) Evidence of insurance as required in Section 95-1089; and

- 8) Evidence of posting of the security fund as required in Section 95-11140;
- 9) Any request for a variance from one or more provisions of this Article (see § 95-1243); and
- 10) Such additional information as may be reasonably required by the Village.

D. Supplemental Application Requirements for Specific Types of Utilities Facilities. The permit application shall include the following items, as applicable to the specific utility facility that is the subject of the permit application:

- (1) In the case of the installation of a new electric power, communications, tele~~ee~~communications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- (3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
- (4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control, or other local or state entities with jurisdiction, have been satisfied; or
- (5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
- 6) Applications for small wireless facilities must also include the following:
 - i) Drawings and site plans for each proposed small wireless facility covered by the application;
 - ii) The location where each proposed small wireless facility or utility pole will be installed and photographs of the location and its immediate surroundings;
 - iii) A site specific structural analysis and engineering drawing for each proposed small wireless facility covered by the application, prepared and stamped by a professional engineer, which demonstrates the utility pole or municipally-owned infrastructure is safely capable of supporting the small wireless facility in all reasonably foreseeable weather conditions without creating a risk to public health and safety. The structural analysis will also

describe the method by which the facility is designed to fail and demonstrate that any structural failure to the facility shall not cause harm to any residential structure;

- iv) The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
- v) A proposed schedule for the installation and completion of each small wireless facility covered by the application;
- vi) Certification that the collocation complies with Section 95-116 below; and
- vii) Applications must include the screening and stealth concealment methods used for each proposed small wireless facility covered by the application.

E. Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the ~~utility~~ applicant in writing to the Village within thirty (30) days after the change necessitating the amendment.

F. Application Fees. Application Fees. Unless otherwise provided by franchise, license, or similar agreement or as otherwise specifically provided for in subsections 95-104(G) or (H) for small wireless facilities, all applications for permits pursuant to this Article shall be accompanied by a fee in the amount of \$200. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act Law (35 ILCS, Act 645 35 ILCS 645/15, et seq.).

G. Application Fees for Small Wireless Facilities. All applications for the collocation of a single small wireless facility on an existing utility pole or wireless support structure shall be accompanied by a fee in the amount of \$650. All applications for the collocation of more than one small wireless facility on an existing utility pole or wireless support structure shall be accompanied by a fee in the amount of \$350 for each small wireless facility addressed in said application. An application for the installation of a small wireless facility that will require a new utility pole must be accompanied by a fee in the amount of \$1,000.

H. Consolidated Applications for Small Wireless Facilities. Applications for small wireless facilities may be submitted on a consolidated basis provided they involve the same type of small wireless facility and the same type of structure. The Village may, at its discretion, remove small wireless facility collocations from the consolidated application and treat them separately for purposes of deeming the application incomplete or denied.

95-105. Action on Permit Applications.

A. Application Deadlines for Small Wireless Facilities. Applications are deemed complete if the Village does not notify the applicant otherwise within 30 days of receipt of the application.

If the application to collocate a small wireless facility is to be placed on an existing utility pole, the Village will notify the applicant of its approval or denial within 90 days. If the Village fails to notify the applicant within that timeframe, the application will be deemed approved. If the application to collocate a small wireless facility requires the installation of a new utility pole, the Village will notify the applicant of its approval or denial within 120 days. If the Village fails to notify the applicant within that timeframe, the application will be deemed approved.

B. Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Village Engineer ~~within a reasonable time after filing~~ on a nondiscriminatory basis. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, ~~and~~ or regulations that concern public safety, the Village Engineer shall ~~reject such application in writing, stating the reasons therefore~~ notify the applicant of the basis for a denial, including specific code provisions upon which the denial was based. The applicant may cure the deficiencies and resubmit a revised application without paying additional application fees.

When reviewing applications for small wireless facilities, the Village will approve or deny the revised application within 30 days after the applicant resubmits the application or it will be deemed approved. If the Village Engineer is satisfied that the proposed work conforms to the requirements of this Article and applicable ordinances, codes, laws, rules, and regulations, the Village Engineer shall issue a permit ~~therefore as soon as practicable~~. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Village Engineer, that the construction proposed under the application shall be in full compliance with the requirements any Article.

C. Additional Village review of applications of telecommunications retailers.

- 1) Pursuant to Section 4 of the Telephone Company Act, ILCS Ch. 220, Act 65, § 4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than 10 days prior to the commencement of work requiring no excavation and not less than 30 days prior to the commencement of work requiring excavation. The Village Engineer shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.
- 2) In the event that the Village Engineer fails to provide such specification of location to the telecommunications retailer within either (a) 10 days after service of notice to the Village by the telecommunications retailer in the case

of work not involving excavation for new construction or (b) 25 days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this article.

- 3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to § 95-104 of this article the telecommunications retailer shall submit to the Village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of Subsection A of this section.

D. Additional Village review of applications of holders of state authorization under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a state-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted 45 days after submission to the Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

95-106. Effect of Permit.

- A. Authority granted; no property right or other interest created. A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this article on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.
- B. Duration. No permit issued ~~under this Article~~ to a utility shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion. Collocation of small wireless facilities must be completed within 180 days after the issuance of the permit. If collocation is not complete, the permit will be void. Permits for small wireless facilities are valid for 5 years from the time of issuance.
- C. Pre-construction meeting required. No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other facilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.
- D. Compliance with all laws required. The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

95-107. Revised Permit Drawings.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within 90 days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this article, it shall be treated as a request for variance in accordance with § 95-124~~3~~. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

95-108. Annual Recurring Rates for Small Wireless Facilities.

The Village shall charge an annual recurring rate for the collocation of small wireless facilities on municipally-owned infrastructure located in its right-of-way equal to either \$200 per utility pole, or the actual, direct, and reasonable costs related to the wireless provider's use of space on the Village utility pole, whichever is greater. If the Village elects to charge the actual, direct, and reasonable costs related to the wireless provider's use of space on the municipally-owned infrastructure, it shall adopt a fee schedule on an annual basis.

95-109. Insurance.

A. Required Coverages and Limits. Unless otherwise provided by franchise, license, or similar agreement, each wireless provider or utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in Subsection A(1) and 2 below:

- 1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:
 - a) Five million dollars (\$5,000,000) for bodily injury or death to each person;
 - b) Five million dollars (\$5,000,000) for property damage resulting from any one accident;
 - c) Five million dollars (\$5,000,000) for all other types of liability;
 - d) Wireless providers must include the Village as an additional insured on the commercial general liability policy;

- ~~2) Automobile liability for owned, non-owned, and hired vehicles with a combined single limit of one million dollars (\$1,000,000) for personal injury and property damage for each accident;~~
- ~~3) Employer's liability insurance with limits of not less than one million dollars (\$1,000,000) per employee and per accident.~~
- 2) Worker's compensation with statutory limits; and
- 3) Property insurance for replacement costs against all risks.

If the wireless provider or utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

- B. Excess or umbrella policies. The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.
- C. Copies Required. The wireless provider or utility shall provide copies of any of the policies required by this Section to the Village within ten (10) days following receipt of a written request therefor from the Village.
- D. Maintenance and renewal of required coverages.

- (1) The insurance policies required by this section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 30 days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village President of such intent to cancel or not to renew."

- (2) Within 10 days after receipt by the Village of said notice, and in no event later than 10 days prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this section.

- E. Self-Insurance. A wireless provider or utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection A this Section. A wireless provider or utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under this Section. A wireless provider or utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

- F. Effect of Insurance and Self-Insurance on Wireless Provider or Utility's Liability. The legal liability of the wireless provider or utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.
- G. Insurance companies. All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.

95-110. Indemnification.

By occupying or constructing facilities in the right-of-way, a wireless provider or utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the wireless provider or utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the Village, its officials, officers, employees, agents or representatives.

95-111. Security.

- A. Purpose. The permittee shall establish a security fund in a form and in the amount set forth in this section. The security fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The security fund shall serve as security for:
- (1) The faithful performance by the permittee of all the requirements of this article;
 - (2) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this article; and
 - (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or nonperformance by permittee in violation of this article, including, without limitation, any damage to public property or restoration work the permittee is required by this article to perform that the Village must perform itself or have

completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this article or any other applicable law.

- B. Form. The permittee shall provide the security fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this section shall, at a minimum:
- (1) Provide that it will not be canceled without prior notice to the Village and the permittee;
 - (2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
 - (3) Provide a location convenient to the Village and within the State of Illinois at which it can be drawn.
- C. Amount. The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Village Engineer, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Village Engineer may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection for any single phase.
- D. Withdrawals. The Village, upon 14 days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this section, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the Village for such amount within the fourteen-day notice period. Withdrawals may be made if the permittee:
- (1) Fails to make any payment required to be made by the permittee hereunder;
 - (2) Fails to pay any liens relating to the facilities that are due and unpaid;
 - (3) Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or nonperformance by the permittee; or
 - (4) Fails to comply with any provision of this article that the Village determines can be remedied by an expenditure of an amount in the security fund.

- E. Replenishment. Within 14 days after receipt of written notice from the Village that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in Subsection C of this section.
- F. Interest. The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the security fund below the minimum balance required in Subsection C of this section.
- G. Closing and return of security fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the security fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this article or other applicable law. In the event of any revocation of the permit, the security fund, and any and all accrued interest therein, shall become the property of the Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.
- H. Rights not limited. The rights reserved to the Village with respect to the security fund are in addition to all other rights of the Village, whether reserved by this article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

95-112. Permit Suspension and Revocation.

- A. Village right to revoke permit. The Village may revoke or suspend a permit issued pursuant to this article for one or more of the following reasons:
 - (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
 - (2) Noncompliance with this article;
 - (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
 - (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.
- B. Notice of revocation or suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee

under this § 95-1142.

C. Permittee alternatives upon receipt of notice of revocation or suspension.

(1) Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

- (a) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
- (b) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five working days after receipt of the written notice of revocation; or
- (c) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village, providing written proof of such removal to the Village within 10 days after receipt of the written notice of revocation.

(2) The Village may, in its discretion, for good cause shown, extend the time periods provided in this section.

D. Stop-work order. In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop-work order immediately upon discovery of any of the reasons for revocation set forth within Subsection A of this section.

E. Failure or refusal of the permittee to comply. If the permittee fails to comply with the provisions of Subsection C of this section, the Village or its designee may, at the option of the Village: (1) correct the deficiencies; (2) upon not less than 20 days' notice to the permittee, remove the subject facilities or equipment; or (3) after not less than 30 days' notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

95-113. Change of ownership or owner's identity or legal status.

A. Notification of change. A utility shall notify the Village no less than 30 days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this article, with respect to the work and facilities in the right-of-way.

B. Amended permit. A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.

- C. Insurance and bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

95-114. General Construction Standards.

- A. Standards and principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- (1) Standard specifications for road and bridge construction;
- (2) Supplemental specifications and recurring special provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;
- (5) Standard specifications for traffic control items;
- (6) Current Illinois Supplement to the National Manual on Uniform Traffic Control Devices;
- (7) Flagger's Handbook; and
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

- B. Interpretation of municipal standards and principles. If a discrepancy exists between or among differing principles and standards required by this article, the Village Engineer shall determine, in the exercise of sound engineering judgment, which principles apply, and such decision shall be final. If requested, the Village Engineer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

95-115. Public Safety and Traffic Control.

- A. Public Safety. The placement of any antenna, wireless facility or small wireless facilities located in the Village right-of-way may not interfere with the frequencies used by public safety agencies for public safety communications. Unacceptable interference will be determined in accordance with industry standards and the Federal Communications Commission's regulations addressing unacceptable interference to public safety spectrum. If an antenna, wireless facility or small wireless facility causes such interference, the owner must take all steps necessary to correct and eliminate the interference at its own costs. The Village may terminate a permit for

any antenna, wireless facility or small wireless facility based on such interference if the interference is not corrected.

The Village may reserve space on its utility pole for future public safety uses [or for the Village's electric utility uses]. This reservation of space may preclude the collocation of a small wireless facility where the Village determines that the utility pole cannot accommodate both uses.

- B. Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.
- C. Warning Signs, Protective Devices, and Flaggers. The wireless provider or utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.
- D. Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
- E. Notice When Access is Blocked. At least forty-eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the wireless provider or utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Section 95-122 of this Article, the wireless provider or utility shall provide such notice as is practicable under the circumstances.
- F. Compliance. The wireless provider or utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to ~~the utility's~~ its attention by the Village.

95-116. Location of Facilities.

- A. General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.
 - (1) No interference with Village facilities. No utility facilities shall be placed in any location if the Village Engineer determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
 - (2) Minimum interference and impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

- (3) No interference with travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
- (4) No limitations on visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
- (5) Size of utility facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
- (6) The Village is not required to install or maintain any specific utility pole or to continue to install or maintain utility poles in any location if it makes a non-discriminatory decision to eliminate above-ground utility poles of a particular type. For Village utility poles with collocated small wireless facilities in place when the Village makes a decision to eliminate above-ground utility poles, the Village will, at its discretion, either maintain the utility pole or install and maintain an alternative utility pole for the collocation of the small wireless facility, or offer to sell the utility pole to the wireless provider.

B. Parallel facilities located within highways.

- (1) Overhead parallel facilities. An overhead parallel facility may be located within the right-of-way lines of a highway only if:
 - (a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
 - (b) Where pavement is curbed, poles are as remote as practicable from the curb, with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
 - (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable, with a minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
 - (d) No pole is located in the ditch line of a highway; and
 - (e) Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.
- (2) Underground parallel facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:
 - (a) The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 m) from and parallel to the right-of-way

line;

- (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (such as a new cable may be installed in existing conduit without disrupting the pavement); and
- (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (1.5 m) from the right-of-way line and any aboveground appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

C. Facilities crossing highways.

- (1) No future disruption. The construction and design of crossing facilities installed between the ditch lines or curblines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
- (2) Cattle passes, culverts, or drainage facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- (3) Ninety-degree crossing required. Crossing facilities shall cross at or as near to a 90° angle to the center line as practicable.
- (4) Overhead power or communication facility. An overhead power or communication facility may cross a highway only if:
 - (a) It has a minimum vertical line clearance as required by ICC rules entitled "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
 - (b) Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
 - (c) Overhead crossings at major intersections are avoided.
- (5) Underground power or communication facility. An underground power or communication facility may cross a highway only if:
 - (a) The design materials and construction methods will provide maximum maintenance-free service life; and
 - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

(6) Markers. The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current federal regulations [49 CFR 192-707 (1989)].

D. Facilities to be located within particular rights-of-way. The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

E. Freestanding Facilities.

~~1) The Village may restrict the location and size of any freestanding facility located within a right-of-way.~~

~~2) The Village may require any freestanding facility located within a right-of-way to be screened from view.~~

(1) Small Wireless Facilities.

(a) The Village may not require the placement of a small wireless facility on a specific utility pole or category of poles. However, should the application necessitate the installation of a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing support structure within 100 feet of the proposed collocation. Should the applicant reject the proposed relocated collocation, it must provide a written certification describing the property rights, technical limits or material cost reasons the alternative location will not satisfy the wireless provider's needs. The Village may require any monopole, utility pole or other freestanding facility located within a right-of-way to be screened from view in compliance with the appearance standards described below.

(b) If all existing monopoles, utility poles and other aboveground facilities are located on one side of the right-of-way, all new monopoles, utility poles and other freestanding facilities shall be located on the same side of the right-of-way as the existing aboveground facilities. If there exist above ground facilities on both sides, new freestanding facilities shall be located on the side where the above ground facilities most closely match the scale of the new freestanding facility.

(2) Other Facilities.

(a) The Village may restrict the location and size of any monopole, utility pole or other freestanding facility located within a right-of-way. No freestanding facility located within a right-of-way may be constructed or modified so that the height of the free standing facility is higher by more than ten feet or more than 10%,

whichever is greater, than any other existing, freestanding facility located within the right-of-way within three hundred (300) feet of the proposed facility, measured along the center line of the respective right-of-way. Where there are no other freestanding facilities located within three hundred (300) feet of the proposed facility, the maximum height of the freestanding facility shall be forty five (45) feet.

(b) The Village may require any monopole, utility pole or other freestanding facility located within a right-of-way to be screened from view.

(c) If all existing monopoles, utility poles and other aboveground facilities are located on one side of the right-of-way, all new monopoles, utility poles and other freestanding facilities shall be located on the same side of the right-of-way as the existing aboveground facilities. If there exist above ground facilities on both sides, new freestanding facilities shall be located on the side where the above ground facilities most closely match the scale of the new freestanding facility.

(3) Height Restrictions for Small Wireless Facilities. Small wireless facilities are limited to a maximum height of 10 feet above the utility pole or wireless structure on which it is collocated. The height limit of a new or replacement utility pole or wireless support structure on which small wireless facilities are collocated is limited to the higher of: (i) 10 feet higher than the tallest existing utility pole within 300 feet of the new or replacement utility pole or wireless support structure that is in the same right-of-way; or (ii) 45 feet above ground level. The Village shall designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structure shall control the height limitation.

F. Facilities Installed Above Ground. Above ground facilities may be installed only if:

(1) No other existing facilities in the area are located underground;

(2) New underground installation is not technically feasible; and

(3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and ~~light standards~~ municipally-owned infrastructure shall be used wherever practicable; the installation of additional utility poles or monopoles is strongly discouraged.

G. Facility attachments to bridges or roadway structures.

- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
- (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - (b) The type, length, value, and relative importance of the highway structure in the transportation system;
 - (c) The alternative routings available to the utility and their comparative practicability;
 - (d) The proposed method of attachment;
 - (e) The ability of the structure to bear the increased load of the proposed facility;
 - (f) The degree of interference with bridge maintenance and painting;
 - (g) The effect on the visual quality of the structure; and
 - (h) The public benefit expected from the utility service as compared to the risk involved.

H. Appearance standards.

- (1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

95-117. Design and Appearance Standards.

A. Residential Design Standards.

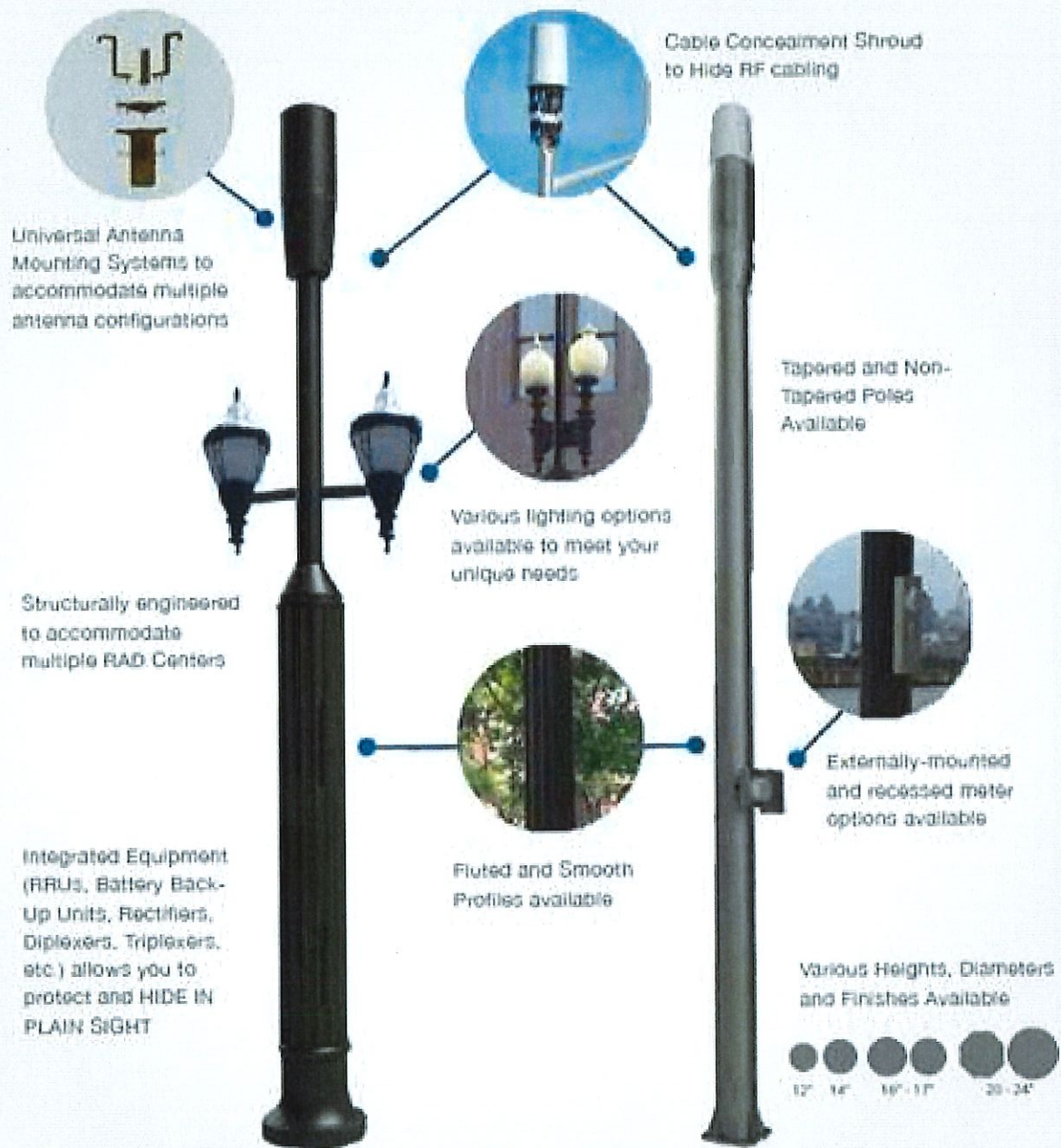
- (1) Purpose: To ensure visually acceptable facility design and to provide discretion on required and preferred design of small wireless facilities.
- (2) Applicability: These design standards shall apply to each Facility located in a district zoned for residential uses:
 - (a) Applicants must use architectural treatments and stealth techniques to reduce potential visual impacts from all small wireless facilities.
 - (b) All new utility poles installed for the purpose of mounting a facility must be stealth or camouflaged to blend into the surrounding environment. Examples of stealth of camouflage designs are presented in Figure 1 below.
 - (c) Small wireless facilities and all ancillary equipment associated with the facility must not emit sound.
 - (d) Cables must be routed directly from the ground through the pole and equipment enclosures must completely enclose or hide cabling. No exposed cable is allowed.
 - (e) No flashing lights or unnecessary, non-essential stickers are allowed to be placed on any facility. Stickers must be designed in the same color as the pole to which they are attached.
 - (f) In no case shall equipment block the sidewalk or pedestrian pathway. All installations must maintain accessibility requirements and standards.
 - (g) All newly installed equipment must be painted with graffiti-resistant paint to match pole color and surroundings.
 - (h) Colors and materials for small wireless facilities shall be chosen to minimize the visibility of the facility.
 - (i) Antennas attached to existing poles or municipally-owned infrastructure shall be painted and textured to match the existing structure.
 - (j) Any ground-mounted facility shall be painted with non-reflective matte finish paint using color shades that are comparable or blend with surrounding natural elements such as soil, trees, or grasslands. Any ground-mounted facility shall be screened from the yard of the property in front of which it is located using year-round landscaping materials. The owner of the ground-mounted facility shall guarantee the landscaping materials for a period of one-year from planting.

- (k) All disturbed pavement and landscaping shall be replaced and areas of bare or disturbed soils must be re-vegetated. If replacement landscape is determined to be infeasible the Village may accept mitigation funds to use elsewhere. The owner of the ground-mounted facility shall guarantee the restoration work or reseeded for a period of one-year.

- (l) No facility may display any signage or advertisements unless expressly allowed by the Village in a written approval, recommended under FCC regulations or required by law or permit condition. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center. All required or permitted signage must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures.

Figure 1. Sample Stealth Designs for Small Cell Utility Poles:

Integrated Concealment Poles



SHOWN: 17" Fluted Integrated Pole

SHOWN: 12" Smooth Pole (NON-M Radios)

IncealFab
Corporation



B. Design Standards in Special Aesthetic/Economic Purpose Zones.

- (1) Purpose: to protect and promote the Village's unique character in a manner consistent with State and federal laws and regulations.
- (2) Applicability: These design standards shall apply to (a) each area, district, neighborhood or zone expressly designated in the [City's/Village's] Comprehensive Plan as having special aesthetic or economic impacts on the welfare of the community; and (b) each redevelopment area designed under the Tax Increment Allocation Redevelopment Act or the Business District Development and Redevelopment Act:
 - (a) Siting of small wireless facilities in special aesthetic/economic purpose zones must respect the existing character or design ordinance of established zone.
 - (b) Applicants must include proposed stealth and concealment measures in their applications.
 - (c) Effective camouflage so as to disguise the facility so that it appears to be something other than a facility and is at the same time compatible with its surroundings (for example, designed to look like a tree).
 - (d) Small wireless facilities must be designed so that the facilities silhouette, mass and color are masked in such a way as to be virtually indistinguishable from their background.\
 - (e) Examples of stealth of camouflage designs are presented in Figure 1.

C. Design Standards in Historic Districts.

- (1) Purpose: to promote the educational, cultural, economic and general welfare of the Village by identifying, preserving, protecting, enhancing and encouraging the continued utilization and the rehabilitation of such areas, properties, structures, sites and objects having a special historical interest or value to the Village and its citizens.
- (2) Applicability: These design standards apply in any historic district or on any historic landmark:
 - (a) Districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places are to be avoided, to the greatest extent possible. Local landmarked buildings, properties, sites, or historic districts that are so recognized by an ordinance that meets the requirements of the certified Local Government Program of the Illinois State historic Preservation Office are also to be avoided, to the greatest extent possible.

- (b) Applicants must include proposed stealth and concealment measures in their applications.
- (c) Applicant must implement said Village-approved design concepts, and the use of camouflage or stealth materials as necessary in order to achieve compliance with historic preservation review.
- (d) Prior to submitting an application, where the Applicant submits an application to site facilities in a historic district, the Applicant must meet with the Village to discuss any potential design modifications appropriate for the installation.
- (e) When siting a facility in a historic district, wireless provider must avoid removing, obscuring or altering any historic material or significant architectural features. Rehabilitation and make-ready work must not destroy the distinguishing character of the property or its environment.
- (f) Deteriorated architectural features should be repaired rather than replaced, wherever possible by means such as rust removal, caulking, limited paint removal and reapplication of paint.

D. General Design Standards.

- (1) Applicability: These design standards apply to all small wireless facilities:
 - (a) All small wireless facilities not governed by the preceding design standards must be placed so as to minimize visibility. The small wireless facility, including all ancillary equipment and appurtenances, must be a color that blends with the surroundings of the utility pole or municipally-owned infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be concealed within the freestanding facility or covered with an appropriate cover.
 - (b) The Village may discourage the installation of facilities in particular locations in order to preserve visual quality.
 - (c) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners.
 - (d) A facility may not be installed in a manner which defeats any existing concealment elements of the utility pole or municipally-owned infrastructure to which it is attached.
 - (e) Facilities under common ownership or operated on the same radio frequency shall be separated as far as practicable.

95-118. Construction Methods and Materials.

A. Standards and requirements for particular types of construction methods.

(1) Boring or jacking.

- (a) Pits and shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Engineer from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- (b) Wet boring or jetting. Wet boring or jetting shall not be permitted under the roadway.
- (c) Borings with diameters greater than six inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).
- (d) Borings with diameters six inches or less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
- (e) Tree preservation. Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be bored under or around the root system.

(2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's Standard Specifications for Road and Bridge Construction.

- (a) Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only 1/2 of any intersection may have an open trench at any time unless special permission is obtained from the Village Engineer.
- (b) Open trench and excavated material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

- (c) Drip line of trees. The utility shall not trench within the drip line of any tree designated by the Village to be preserved.

(3) Backfilling.

- (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's Standard Specifications for Road and Bridge Construction. When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
- (b) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Engineer, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Engineer.

(4) Pavement cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection is permitted under § 95-121, the following requirements shall apply:

- (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Engineer.
- (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, 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 Village.
- (c) All saw cuts shall be full depth.
- (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.

(5) Encasement.

- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.

- (b) The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No aboveground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
 - (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village-approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.
 - (d) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.
 - (e) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if:
 - [1] Extra heavy pipe is used that precludes future maintenance or repair and
 - [2] Cathodic protection of the pipe is provided;
 - (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
- (6) Minimum cover of underground facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric lines	30 inches (0.8 m)
Communication, cable or video service lines	18 inches to 24 inches (0.6 m), as determined by Village
Gas or petroleum products	30 inches (0.8 m)
Water line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

B. Standards and requirements for particular types of facilities.

(1) Electric power or communication lines.

- (a) Code compliance. Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines," and the National Electrical Safety Code.
- (b) Overhead facilities. Overhead power or communication facilities shall use single-pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so

guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

(c) Underground facilities.

[1] Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.

[2] If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:

[a] The crossing is installed by the use of "moles," "whip augers," or other approved methods which compress the earth to make the opening for cable installation; or

[b] The installation is by the open trench method which is only permitted prior to roadway construction.

[3] Cable shall be grounded in accordance with the National Electrical Safety Code.

(d) Burial of drops. All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within 10 business days after placement.

(2) Underground facilities other than electric power or communication lines. Underground facilities other than electric power or communication lines may be installed by:

(a) The use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;

(b) Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

(c) Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

(d) Tunneling with vented encasement, but only if installation is not possible by other means.

(3) Gas transmission, distribution and service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village-approved manner and in

conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR 192), IDOT's Standard Specifications for Road and Bridge Construction, and all other applicable laws, rules, and regulations.

- (4) Petroleum products pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping (Liquid Petroleum Transportation Piping Systems, ANSI B-31.4).
- (5) Water lines, sanitary sewer lines, stormwater sewer lines or drainage lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current Standard Specifications for Water and Sewer Main Construction in Illinois.
- (6) Ground-mounted appurtenances. Ground-mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy-duty plastic or similar material approved by the Engineer. With the approval of the Engineer, shrubbery surrounding the appurtenance may be used in place of a vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

C. Materials.

- (1) General standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's Standards Specifications for Road and Bridge Construction, the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- (2) Material storage on right-of-way. No material shall be stored on the right-of-way without the prior written approval of the Village Engineer. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on the right-of-way, prior approval must be obtained from the Village.
- (3) Hazardous materials. The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

D. Operational restrictions.

- (1) Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or

the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

(2) These restrictions may be waived by the Engineer when emergency work is required to restore vital utility services.

(3) Unless otherwise permitted by the Village, the hours of construction shall be from 7:00 a.m. to 7:00 p.m.

E. Location of existing facilities. Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing aboveground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (ILCS Ch. 220, § 50/1 et seq.).

95-119. Vegetation Control.

A. Electric utilities: Compliance with state laws and regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village as permitted by law.

B. Other utilities: tree trimming permit required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this article.

(1) Application for tree trimming permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) Damage to trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

C. Specimen trees or trees of special significance. The Village may require that special

measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

D. Chemical use.

- (1) Except as provided in the following subsection, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.
- (2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Engineer that such spraying is the only practicable method of vegetation control.

95-120. Removal, Relocation, or Modifications of Utility Facilities.

- A. Notice. Within ninety (90) days following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way. Wireless providers are required to provide the Village with written notice of its intent to sell or transfer small wireless facilities. Such notice must include the name and contact information of the new wireless provider.
- B. Removal of unauthorized facilities. Within 30 days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:
 - (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
 - (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
 - (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this article; or
 - (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.
- C. Emergency removal or relocation of facilities. The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to

notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

D. ~~Abandonment of Facilities. Upon abandonment of a facility within the right-of-way of the Village, the utility shall notify the Village within ninety (90) days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Village Engineer determines that such removal will be in the best interest of the public health, safety, and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.~~

(1) Small Wireless Facilities. As used in this section, a small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of an abandoned small wireless facility shall notify the Village within ninety (90) days of it being abandoned and the owner of that small wireless facility must remove the small wireless facility within 90 days after sending such written notice to the Village. The Village may direct the wireless provider to remove all or any portion of the facility if the Village Engineer determines that such removal will be in the best interest of the public health, safety and welfare. If the small wireless facility is not removed within 90 days of such notice, the Village may remove or cause the removal of the facility pursuant to the terms of its pole attachment agreement for Village utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

(2) Other Utility Facilities. As used in this section, a facility that is not operated for a continuous period of 12 months shall be considered abandoned. Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within ninety (90) days. The owner of the abandoned facility must remove the facility within 90 days after sending such written notice to the Village. The Village may direct the utility to remove all or any portion of the facility if the Village Engineer determines that such removal will be in the best interest of the public health, safety and welfare. If the facility is not removed within 90 days of such notice, the Village may remove or cause the removal of the facility pursuant to the terms of its pole attachment agreement for Village utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

95-121. Clean-Up and Restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within 10 days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using

materials and methods approved by the Village Engineer. Such clean-up and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the Village Engineer for good cause shown.

95-122. Maintenance and Emergency Maintenance.

- A. General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.
- B. Emergency maintenance procedures. Emergencies may justify noncompliance with normal procedures for securing a permit:
 - (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way, including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
 - (2) In an emergency, the utility shall, as soon as possible, notify the Village Engineer or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.
 - (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.
- C. Emergency repairs. The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

95-123. Variances; appeals.

- A. Request for variance. A utility requesting a variance from one or more of the provisions of this article must do so in writing to the Village Engineer as a part of the permit application. The request shall identify each provision of this article from which a variance is requested and the reasons why a variance should be granted.
- B. Authority to grant variances. The Village Engineer shall decide whether a variance is authorized for each provision of this article identified in the variance request on an individual basis.
- C. Conditions for granting of variance. The Village Engineer may authorize a variance only if the utility requesting the variance has demonstrated that:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
 - (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.
- D. Additional conditions for granting of a variance. As a condition for authorizing a variance, the Village Engineer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this article but which carry out the purposes of this article.
- E. Right to appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Village Engineer under the provisions of this article shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within 30 days after the date of such order, requirement, decision or determination. The Village Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The Village Board shall timely decide the appeal.

95-124. **Enforcement.**

Nothing in this article shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this article.

SECTION 3. Repealer. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Saving Clause. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect on and after its passage, approval, and publication in pamphlet form in the manner provided by law.

SO ORDAINED this _____ day of _____, 2018, at Coal City,
Grundy and Will Counties, Illinois.

AYES:

ABSENT:

NAYS:

ABSTAIN:

APPROVED this _____ day of _____, 2018.

VILLAGE OF COAL CITY

Terry Halliday, President

Attest:

Pamela M. Noffsinger, Clerk

RESOLUTION

18-19

WHEREAS, the village of Coal City is located in the county of Grundy, state of Illinois, wishes to construct a bore crossing for 2" new water service beneath IL 113 which by law comes under the jurisdiction and control of the Department of Transportation of the state of Illinois, and

WHEREAS, a permit from said department is required before said work can be legally undertaken by said village of Coal City; now

THEREFORE, be it resolved by the village of Coal City, county of Grundy, state of Illinois.

FIRST: That we do hereby request from the Department of Transportation, state of Illinois, a permit authorizing the village of Coal City to proceed with the work herein described and as shown on enclosed detailed plans.

SECOND: Upon completion of the bore crossing by the contractor and acceptance by the village, the village guarantees that all work has been performed in accordance with the conditions of the permit to be granted by the Department of Transportation of the state of Illinois.

Further, the village will hold the state of Illinois harmless for any damages that may occur to persons or property during such work.

The village will require the contractor to obtain a bond and a comprehensive general liability insurance policy in acceptable amounts and will require the contractor to add the State of Illinois as an additional insured on both policies.

THIRD: That we hereby state that the proposed work is, is not, (~~delete one~~) to be performed by the employees of the village of Coal City.

FOURTH: That the proper officers of the village of Coal City are hereby instructed and authorized to sign said permit in behalf of the village of Coal City.

I, _____, hereby certify the above to be a
Village Clerk
true copy of the resolution passed by the Village Board of the village of Coal City, county of Grundy, State of Illinois.

Dated this _____ day of _____ A.D. 2018

(Signature)

(CORPORATE SEAL)

RESOLUTION



District Serial No. _____

Whereas, I (We) Village of Coal City, 515 S Broadway
(Name of Applicant) (Mailing Address)

Coal City IL 60416 hereinafter termed the Applicant,
(City) (State)

request permission and authority to do certain work herein described on the right-of-way of the State Highway known as IL Route 113, Section _____, from Station _____ to Station _____, Grundy County. The work is described in detail on the attached plan or sketch and/or as follows:

LOCATED AT 727 E DIVISION STREET

Upon approval this permit authorizes the applicant to locate, construct, operate and maintain at the above mentioned location, a bore crossing for 2" water service as shown on the attached plans which become a part hereof.

The applicant shall notify Steve Niemann, Field Engineer, Phone: 815-942-0351 or the District Permit Section, Phone: 815-434-8490 twenty-four hours in advance of starting any work covered by this permit.

The state right of way shall be left in good condition. (No advertising matter shall be placed on the state right of way).

All turf areas which are disturbed during the course of this work shall be restored to the original line and grade and be promptly seeded in accordance with Standard State Specifications.

(SEE ATTACHED SPECIAL PROVISIONS)

All work authorized by this permit shall be completed 180 days after the date this permit is approved, otherwise the permit becomes null and void.

This permit is subject to the conditions and restrictions printed on the reverse side of this sheet.

This permit is hereby accepted and its provisions agreed to this _____ day of _____,

Witness _____ Signed _____
Applicant

_____ Mailing Address _____ Mailing Address

_____ City _____ State _____ City _____ State

SIGN AND RETURN TO: Regional Engineer _____

Approved this _____ day of _____,

Department of Transportation

BY: _____
Regional Engineer

SPECIAL PROVISIONS

Whenever any of the work under this permit involves any obstruction or hazard to the free flow of traffic in the normal traffic lanes, plans for the proposed method of traffic control must be submitted to and approved by the Regional Engineer at least 72 hours, and preferably longer, before the start of work.

All traffic control shall be in accordance with the State of Illinois Manual of Uniform Traffic Control Devices and amendments thereof. It should be noted that standards and typical placement of devices shown in the Uniform Manual are minimums. Many locations may require additional or supplemental devices.

The petitioner agrees to furnish the necessary barricades, lights, and flagmen for the protection of traffic.

Traffic shall be maintained at all times.

The applicant agrees to notify the Department of Transportation upon completion of work covered under the terms and conditions of this permit so that a final inspection and acceptance can be made.

To avoid any revisions to the work completed under the highway permit, the applicant should insure the conditions and restrictions of this permit, the applicable supplemental permit specifications and permit drawing are fully understood.

If this permit work is contracted out, it will be the responsibility of the applicant to furnish the contractor with a copy of this highway permit, as the applicant will be responsible for the contractor's work.

A copy of approved permit shall be present on job site at all times the work is in progress.

The department reserves the right to reject or accept any contractor hired by the applicant.

No person, firm, corporation or institution, public or private, shall discharge or empty any type of sewage, including the effluent from septic tanks or other sewage treatment devices, or any other domestic, commercial or industrial waste, or any putrescible liquids, or cause the same to be discharged or emptied in any manner into open ditches along any public street or highway, or into any drain or drainage structure installed solely for street or highway drainage purposes.

All excavations shall be promptly backfilled, thoroughly tamped and any excess material removed from the state right of way (including rock exposed during backfilling operations). Mounding or crowning of backfill will not be permitted.

The diameter of any bored hole shall not be more than one inch larger than the outside diameter of the pipe.

Boring of pipe over six inches in diameter shall be accomplished with an auger and following pipe. Borings six inches and under may be accomplished by either jacking or auger and following pipe method.

Excavation adjacent to the edge of pavement shall be shored to prevent caving if the distance is less than ten feet plus the depth of excavation from the edge of pavement.

It is the applicant's responsibility for insuring that all requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and Division of Public Water Supplies have been satisfied.

All material or equipment stored along the highway shall be placed as remote as practical from the edge of pavement in a manner to minimize its being a hazard to errant vehicles or an obstacle to highway maintenance. If material is to be stored on the highway right of way for more than two weeks prior to installation, written approval must be obtained from the department.

MEMO

TO: Mayor Halliday and the Board of Trustees

FROM: Matthew T. Fritz
Village Administrator

MEETING

DATE: June 28, 2018

**RE: MISTAKEN PROPERTY TAXES COLLECTED OF
COAL CITY AREA CLUB**

The Coal City Area Club recently learned of its overpayment of property taxes to Grundy County over the past three years since its annexation to the Village of Coal City. In the annexation that included a 300-ft wide corridor along Dresden Road out to the Prairie Oak Estates subdivision, there was an annexation agreement that called for the abatement of taxes over the initial 20-year period following the annexation of the property.

At that time, the Coal City Area Club's property was assigned new PINS (property identification numbers) by the County to distinguish between the portions of the Area Club that had been annexed into the Village (and thus subject to Village property taxes) and the larger portion of the Area Club's property that remained unincorporated and was not supposed to have property taxes for the Village extended against it. Due to a County coding error, at the time these PINS were split all of the parcels received the incorporated Coal City tax levy. This error resulted in the miscollection of \$40,751.77 of property taxes from the Area Club over a four year period from tax years 2014 – 2017 (payable 2015 – 2018). \$10,602.32 of those taxes were assigned to the current tax collection year. Grundy County is able to correct the issue for the current tax collection year by issuing a revised and corrected 2017 tax bill crediting the Area Club for the amount of its first installment overpayment.

The remaining \$30,149.45 in erroneous tax extensions from tax years 2014 – 2016 remains. This amount was collected by Grundy County for the unincorporated parcels and remitted to the Village of Coal City. Thus, the refunding of the incorrectly paid taxes is in order because Coal City received these revenues in error. Please note, this results in an under collection of total revenues across these years because the mistaken PINS were inadvertently included within the Village's total Assessed Valuation. Although this unbudgeted expense is not a convenient expenditure, the discovered mistake equals less than 1.5% of the total levy for one year's property tax levy.

The assignment of taxation codes has been fixed within Grundy County's collection system. This evening's action is an Intergovernmental Agreement that relinquishes the Village of Coal City from any fault for having retained the revenues; the Village will refund the money and that the County will take no further action as to the taxpayer or to recover funds from the Village. Coal City was never at fault for the collection of the funds, but this IGA will ensure no liability now that the error has been discovered.

Separately, Village entered into an annexation agreement with the Coal City Area Club prior to the annexation. Section 6 of the Annexation Agreement provided that the Village would abate property taxes for the newly annexed territory for twenty years. For convenience and expediency, the Village typically passes such property taxes through unabated and then refunds the taxpayer upon presentment of proof of payment of the Village's portion of the annual property taxes. In this case, the Coal City Area Club had not sought to recoup the property taxes paid to the Village for the incorporated territory from tax years 2014 – 2017 (payable in 2015 through 2018). By separately approving a motion authorizing issuance of an aggregate refund of \$2,093.52 to the Coal City Area Club for PINs 06-23-400-001 (\$640.68), 06-26-200-001 (\$1,383.20), and 06-26-400-006 (\$69.64) for tax years 2014 – 2017, the Village will have fulfilled its annexation agreement pledge to not collect taxes on the incorporated Area Club strip of land for the first twenty years following annexation. Going forward, the Village can either annually refund the Area Club for property tax payments made to the Village for PINs 06-23-400-001, 06-26-200-001, and 06-26-400-006 (the PINs comprising the strip of annexed Area Club property) or enact a year-end abatement ordinance formally abating the property taxes against those three PINs each year and directing the County Clerk not to extend taxes against those three parcels.

Taken together, the Ordinance (\$30,149.45) and the motion (\$2,093.52) will make the Coal City Area Club whole for the County's coding error and make good on the Village's abatement pledge. It will result in a one-time payment by the Village to the Coal City Area Club in the amount of \$32,242.97.

Recommendations:

Adopt Ordinance No. _____: Entering into an Intergovernmental Agreement with Grundy County Concerning the Property Taxes Collected from the Coal City Area Club.

Pass motion authorizing payment of \$2,093.52 to the Coal City Area Club to refund taxes paid to the Village of Coal City for tax years 2014 – 2017 for incorporated PINs 06-23-400-001, 06-26-200-001, and 06-26-400-006 pursuant to annexation agreement providing for abatement of taxes.

THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

RESOLUTION
NUMBER _____

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE VILLAGE OF COAL CITY AND GRUNDY COUNTY, PROVIDING
FOR THE REFUNDING BY THE VILLAGE OF CERTAIN PROPERTY TAXES
EXTENDED AGAINST UNINCORPORATED PROPERTY OWNED BY THE COAL
CITY AREA CLUB**

TERRY HALLIDAY, Village President
PAMELA M. NOFFSINGER, Village Clerk

SARAH BEACH
ROSS BRADLEY
TIMOTHY BRADLEY
DANIEL GREGGAIN
NEAL NELSON
DAVID SPESIA
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Coal City

on _____, 2018

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE VILLAGE OF COAL CITY AND GRUNDY COUNTY, PROVIDING
FOR THE REFUNDING BY THE VILLAGE OF CERTAIN PROPERTY TAXES
EXTENDED AGAINST UNINCORPORATED PROPERTY OWNED BY THE COAL
CITY AREA CLUB**

WHEREAS, the Village of Coal City (“Village”) is an Illinois non-home rule municipal corporation, organized and operating pursuant to the Constitution and laws of the State of Illinois; and

WHEREAS, Grundy County is an Illinois body corporate and politic, organized and operating pursuant to authority granted by the Constitution and laws of the State of Illinois (hereinafter the “County”); and

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, the Village and the County are units of local government; and

WHEREAS, the Village and are public agencies within the meaning of Section 2 of the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/2 (the “Act”); and

WHEREAS, the Act provides that any power or powers, privileges or authority, exercised or which may be exercised by a public agency may be exercised and enjoyed jointly with any other unit of local government; and

WHEREAS, the Village annually adopts an ordinance levying taxes upon all property subject to taxation within the corporate limits of the Village in accordance with the procedures set forth in the Illinois Municipal Code and the Property Tax Code (the “Annual Tax Levy Ordinance”); and

WHEREAS, following the Village's adoption of the Annual Tax Levy Ordinance and filing a certified copy of the same with the Grundy County Clerk, the Grundy County Clerk computes the tax amount and rate to be extended against all taxable properties within the portions of the Village within Grundy County and extends taxes against such property within the Village in accordance with law; and

WHEREAS, on or about September 29, 2014, the Village enacted Ordinance 14-33, entitled *An Ordinance Annexing Certain Territory to the Village of Coal City, Grundy and Will Counties, Illinois (Coal City Area Club)* (the "Annexation Ordinance"), providing for the annexation of a three hundred foot wide strip of land constituting the easternmost portion of real property owned by the Coal City Area Club (the "CCAC") property running adjacent to and along the west side of Dresden Road, as more particularly described therein; and

WHEREAS, the Village recorded the Annexation Ordinance and accompanying plat of annexation and filed the same with the Grundy County Clerk; and

WHEREAS, the County split the CCAC parcels into six new, separate parcels in order to distinguish between the CCAC's unincorporated territory and the portions annexed into the Village, as follows:

- + CCAC parcels 06-23-400-001, 06-23-200-001, and 06-23-400-006 (the "Annexed Territory")
- + CCAC parcels 06-26-100-002, 06-23-300-002, and 06-26-400-005; (the "Unincorporated Territory"); and

WHEREAS, the County erroneously extended property taxes levied by the Village of Coal City (the "Village Property Tax") against the Unincorporated Territory in tax years 2014, 2015, 2016, and 2017; and

WHEREAS, the CCAC timely paid the Village Property Tax in full for the Unincorporated Territory for tax years 2014, 2015, 2016 and the first installment of 2017; and

WHEREAS, the County will issue revised 2017 second installment property tax bills for the Unincorporated Territory crediting the CCAC for the full amount of its overpayment for the Unincorporated Territory in the first installment of tax year 2017; and

WHEREAS, the Village and County have determined that the most efficient solution to correct the County's erroneous extension of Village Property Tax against the Unincorporated Territory for property tax years 2014, 2015 and 2016 is for the Village to issue a refund directly to the CCAC in the amount paid by the CCAC in Village Property Tax on the Unincorporated Territory during tax years 2014, 2015, and 2016; and

WHEREAS, the County will not withhold, deduct, charge or otherwise seek to recoup from the Village any sums related to the erroneously-collected Village Property Taxes; and

WHEREAS, the County has undertaken corrective measures that will prevent any future extension of property taxes levied by the Village against the Unincorporated Territory for the 2018 tax year and all subsequent years; and

WHEREAS, the President and Trustees (cumulatively, the "Corporate Authorities") hereby find that it is in the best interests of the Village to enter into the Intergovernmental Agreement for the Refunding of Certain Property Taxes in substantially the form attached hereto as Exhibit A; and.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Coal City, Counties of Will and Grundy, Illinois, as follows:

SECTION 1. RECITALS.

That the foregoing recitals shall be and are hereby incorporated into and made a part of this Resolution as if fully set forth in this Section 1.

SECTION 2. ENACTMENT.

The Corporate Authorities shall and do hereby authorize, approve and direct the Village President to execute and deliver the Intergovernmental Agreement for the Refunding of Certain Property Taxes (“Agreement”) in substantially the form attached hereto as Exhibit A, and the Village Clerk to affix the Village seal thereto and to attest the executed Agreement following the Village President’s signature as may be required. The Village Administrator and Attorney, and such other agents as may be reasonably necessary to carry out the intent of the Agreement, are hereby authorized and directed to take such other and further action as may be reasonably necessary to carry out and give effect to the purpose and intent of this Resolution. All acts and doings of the officials of the Village, past, present and future which are in conformity with the purpose and intent of this Resolution are hereby, in all respects, ratified, approved, authorized and confirmed.

SECTION 3. RESOLUTION OF CONFLICTS.

All enactments in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Resolution, which are hereby declared to be separable.

SECTION 5. EFFECTIVENESS.

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

SO RESOLVED this _____ day of _____, 2018, at Coal City,
Grundy and Will Counties, Illinois.

AYES:

ABSENT:

NAYS:

ABSTAIN:

APPROVED this _____ day of _____, 2018.

Terry Halliday, President

Attest:

Pamela M. Noffsinger, Clerk

EXHIBIT A

**INTERGOVERNMENTAL AGREEMENT FOR THE REFUNDING OF CERTAIN
PROPERTY TAXES**

[Attached on following pages]

**INTERGOVERNMENTAL AGREEMENT FOR THE REFUNDING OF CERTAIN
PROPERTY TAXES**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made as of this ____ day of _____, 2018, by and between the VILLAGE OF COAL CITY, an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and laws of the State of Illinois (hereinafter the "Village"), and GRUNDY COUNTY, an Illinois body corporate and politic, organized and operating pursuant to authority granted by the Constitution and laws of the State of Illinois (hereinafter the "County") (collectively, the Village and County shall be known as the "Parties"). In consideration of the recitals and mutual covenants and agreements set forth below, the parties hereby agree as follows:

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, provides that any power or powers, privileges or authority, exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government; and

WHEREAS, the Village and the County are units of local government as defined in the Intergovernmental Cooperation Act and within the meaning of the Article VII, Section 10 of the Illinois Constitution; and

WHEREAS, the Village annually adopts an ordinance levying taxes upon all property subject to taxation within the corporate limits of the Village, as that property is assessed and equalized for state and county purposes within the tax levy year in accordance with the procedures set forth in the Illinois Municipal Code and the Property Tax Code (the "Annual Tax Levy Ordinance"); and

WHEREAS, following the Village's adoption of the Annual Tax Levy Ordinance and filing a certified copy of the same with, *inter alia*, the Grundy County Clerk, the Grundy County Clerk computes the tax amount and rate to be extended against all taxable properties within the portions of the Village within Grundy County and extends taxes against such property within the Village in accordance with law; and

WHEREAS, on or about September 29, 2014, the Village enacted Ordinance 14-33, entitled *An Ordinance Annexing Certain Territory to the Village of Coal City, Grundy and Will Counties, Illinois (Coal City Area Club)* (the "Annexation Ordinance"), providing for the annexation of a three hundred foot wide strip of land constituting the easternmost portion of real property owned by the Coal City Area Club (the "CCAC") property running adjacent to and along the west side of Dresden Road, as more particularly described therein (the "Annexed Territory"); and

WHEREAS, the Village recorded the Annexation Ordinance and accompanying plat of annexation and filed the same with the Grundy County Clerk; and

WHEREAS, in order to distinguish between the CCAC's remaining unincorporated territory from the Annexed Territory, the County split the original three CCAC parcels from which the Annexed Territory formed a fractional portion into six newly created parcels, as follows:

- + CCAC Annexed Territory consists of parcels 06-23-400-001, 06-23-200-001, and 06-23-400-006 (the "Annexed Territory")
- + Unincorporated portions of the CCAC property consists of parcels 06-26-100-002, 06-23-300-002, and 06-26-400-005; hereinafter cumulatively, the "Unincorporated Territory"); and

WHEREAS, the County erroneously extended property taxes levied by the Village of Coal City (the "Village Property Tax") against the Unincorporated Territory in tax years 2014, 2015, 2016, and 2017; and

WHEREAS, the CCAC timely paid the Village Property Tax in full for the Unincorporated Territory for tax years 2014, 2015, 2016 and the first installment of 2017; and

WHEREAS, the County has or will issue revised 2017 second installment property tax bills for the Unincorporated Territory crediting the CCAC for the full amount of its overpayment for the Unincorporated Territory in the first installment of tax year 2017; and

WHEREAS, the Parties have determined that the most efficient solution to correct the County's erroneous extension of Village taxes against the Unincorporated Territory for property tax years 2014, 2015 and 2016 is for the Village to refund directly to the taxpayer the sums paid in Village property taxes by the CCAC during tax years 2014, 2015, and 2016 on the Unincorporated Territory; and

WHEREAS, the Parties further understand and agree that the County will undertake no further corrective action for tax years 2014, 2015 and 2016 and, following the Village's issuance of a refund in full directly to the CCAC of the Village Property Taxes paid by CCAC on the Unincorporated Territory during tax years 2014, 2015 and 2016, the County will undertake no action to refund the CCAC for tax years 2014, 2015 and 2016, and the County will not withhold, deduct, charge or otherwise seek to recoup from the Village any sums related to the erroneously-collected Village Property Taxes; and

WHEREAS, the County has undertaken corrective measures that will prevent any future extension of property taxes levied by the Village against the Unincorporated Territory for the 2018 tax year and all subsequent years; and

WHEREAS, the Parties have found and determined that it would be in their mutual best interests to enter into this Agreement in order to expediently make the Coal City Area Club

whole and resolve the property tax issues created by the erroneous extension of taxes by the County in accordance with the terms and conditions set forth herein;

NOW THEREFORE, the Village of Coal City and Grundy County hereby mutually agree as follows:

1. Recitals. The foregoing recitals are hereby incorporated and adopted as if fully set forth herein.

2. Effective Date. This Agreement shall become effective on the last date on which a duly authorized official from one of the Parties executes the Agreement (the "Effective Date").

3. Village Corrective Action. Within three business days of the Effective Date of the Agreement, the Village shall pay the Coal City Area Club (the "Taxpayer") THIRTY THOUSAND ONE HUNDRED FORTY NINE AND 45/100 DOLLARS (\$30,149.45) in order to fully refund the Taxpayer for property tax payments tendered by the Taxpayer for the Unincorporated Territory for tax years 2014, 2015, and 2016 and disbursed to the Village. The Village shall undertake no action to refund any Taxpayer payments for 2017 tax year for the Unincorporated Territory or otherwise return any disbursements of 2017 tax year property tax proceeds for the Unincorporated Territory.

4. County Corrective Action.

A. The County shall issue Taxpayer a revised second installment 2017 property tax bill to credit Taxpayer for payments tendered by the Taxpayer for tax year 2017.

B. The County shall undertake such measures as may be necessary to prevent the extension of any Village property taxes levy against the Unincorporated Territory following the Effective Date.

5. County Inaction. Other than as set forth herein, the County will undertake no further direct or indirect corrective action as to the Taxpayer as and for the Unincorporated Territory. The County will not withhold, deduct, charge or otherwise seek to recoup from the Village any sums related to the extension, collection or distribution of property taxes to the Village for the Unincorporated Territory other than as set forth herein, it being mutually recognized that the corrective actions undertaken pursuant to Paragraphs 3 and 4 of this Agreement shall serve to fully resolve the matter.

6. Mutual Indemnification. To the fullest extent permitted by law, each Party shall indemnify, defend and hold harmless the other Party, its governing Board, elected and appointed officials, attorneys, employees, agents, and representatives, in their individual and official capacities (collectively, "Indemnitees"), from and against any and all liabilities, obligations, losses, claims, demands, liens, penalties, damages, fines, fees, interest, costs and expenses, including but not limited to legal fees (attorneys' and paralegals' fees and court costs), incurred by one or more of the Indemnitees by reason of any accident, bodily injury, death of

person, or loss of or damage to tangible property, including the loss of use therefrom, or civil and/or constitutional infringement of rights (specifically including violations of the Federal civil rights statutes) arising from, incident to, connected with or growing out of any wrongful or negligent act or omission of the indemnifying Party, or of any elected and appointed official, attorney, employee, agent, and representative thereof (collectively, the "Indemnitor"), acting within the scope of their authority and related to the performance of this Agreement, except to the extent that such Loss is caused by an Indemnitee. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity that would otherwise exist as to any Party or person described in this Paragraph. Nothing contained herein shall be construed as prohibiting either Party, its elected officials, officers, agents, or their employees, from defending through the selection and use of their own attorneys and experts, any claims, actions or suits brought against them. Nothing within this Agreement is intended to or shall be construed to waive or diminish any immunity, right or defense enjoyed by either the Indemnitor or Indemnitee under the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101, *et seq.*

7. Notice. Any notice or communication required or permitted to be given under this Agreement shall be in writing and shall be delivered (i) personally, (ii) by a reputable overnight courier, or (iii) by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid. Unless otherwise provided in this Agreement, notices shall be deemed received after the first to occur of (a) the date of actual receipt; or (b) the date that is one (1) business day after deposit with an overnight courier as evidenced by a receipt of deposit; or (b) the date that is three (3) business days after deposit in the U.S. mail, as evidenced by a return receipt. By notice complying with the requirements of this Section, each party to this Agreement shall have the right to change the address or the addressee, or both, for all future notices and communications to them, but no notice of a change of addressee or address shall be effective until actually received.

Notices and communications to the Village shall be addressed to, and delivered in duplicate at, the following address:

Village Administrator
Village of Coal City
515 S. Broadway
Coal City, IL 60416

Notices and communications to County shall be addressed to, and delivered at, the following address:

Grundy County State's Attorney
Grundy County
1320 Union Street
Morris, IL 60450

8. Governing Law. This Agreement shall be governed by, and enforced in accordance with, the laws of the State of Illinois, which are incorporated herein. Any suit

brought to enforce the provisions of this suit shall be filed in the Thirteenth Judicial Circuit, Grundy County, Illinois.

9. Rights Cumulative. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.

10. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements and negotiations between the parties, whether written or oral, relating to the subject matter of this Agreement.

11. Amendments and Modifications. No amendment or modification to this Agreement shall be effective until it is reduced to writing and approved and executed by all parties to this Agreement in accordance with all applicable statutory procedures.

12. Savings Clause. If any provision of this Agreement, or the application of such provision, shall be rendered or declared invalid by a court of competent jurisdiction, the remaining parts or portions of this Agreement shall remain in full force and effect.

13. Counterparts. This Agreement may be executed in counterparts, each of which, when executed, shall constitute an original document, which together shall constitute one and the same instrument.

14. Authority to Execute. The Parties each hereby warrant and represent to one another that the persons executing this Agreement on their respective behalves have been properly authorized to do so, and further that each has the full and complete right, power, and authority to enter into this Agreement and to agree to the terms, provisions, and conditions set forth in this Agreement.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, the Parties hereto have caused their respective duly authorized representatives and officers to execute this Agreement.

VILLAGE OF COAL CITY

GRUNDY COUNTY

By: _____
Village President

By: _____
County Board Chairman

ATTEST

ATTEST

By: _____
Village Clerk

By: _____
County Clerk

MEMO

TO: Mayor Halliday and the Board of Trustees

FROM: Matthew T. Fritz
Village Administrator

MEETING

DATE: June 28, 2018

RE: VACANCY DECLARED ON THE PD FORCE

The recent departure of Kevin McGrath from the Police force allows for the hiring of this current vacancy. Included within this year's budget was the creation of another eligibility list for hiring police officers. The letter informing the Board of Commissioners of the current vacancy shall allow them to hire a full-time officer to replace this position.

The Board of Commissioners has already begun the process of creating the new eligibility list.

Recommendation:

Deliver the Letter to the Board of Fire & Police Commissioners informing them of the Vacancy that exists within the Police Department.

June 28, 2018

Mr. Mike LaReau
Board of Police Commissioners

RE: DECLARATION OF VACANCY

Dear Mr. LaReau:

During the Regular Board Meeting of the Board of Trustees, Chief Best requested an open full-time Police Officer position be filled due to the resignation from the force of Mr. Kevin McGrath. The Board has authorized the hiring and has budgeted for this position.

I would like to inform you of the current vacancy with the patrol staff so the Board of Commissioners may appoint an officer following the requisite statutes. Thank you so much for your effort and attention to details in these matters.

Sincerely,

Terry Halliday
Mayor

MEMO

TO: Mayor Halliday and the Board of Trustees

FROM: Matthew T. Fritz
Village Administrator

MEETING

DATE: June 28, 2018

RE: SPECIAL USE PERMIT FOR DAVIS/SCHWIER WEDDING

As many of you know, Bob Davis and Deb Schwier of Bob's Advanced Auto & Tire have worked for many years as the business has grown and expanded at its location, 60 E. Chestnut. The two along with their family members have put a lot of energy into the growth of the business. At this point, Bob and Debbie have decided upon entering into marriage and would like to open the celebration to the community.

Since people throughout the entire community visit and utilize Bob's Advanced Auto, they would like to share this big moment of celebration with everyone. Thus, they have completed a Special Events Permit and plan upon reimbursing the Village for its costs entailed in providing proper blocking of Broadway and assisting with traffic control and security. The Special Use will result in a portion of Broadway being blocked off from Park to Chestnut at 4:00pm on Saturday, September 15th. Most events consider utilizing Village property and go through the Parks Board such as the utilization of soccer or baseball fields. However, this being the first of its kind, it has been brought to the Board for consideration and approval.

There is an insurance policy that must be attained after permission has been granted. The Village shall provide Mr. Davis with the proper paperwork to get the insurance filed prior to the event. Coal City PD and Auxillary PD shall be the main personnel involved the day of the event. Public Works will place the barricades so they are available, but it will be Auxillary Police who shall begin the streets closures and remove them once the crowd dies down following the ceremony and celebration. The event will be focused on the wedding ceremony to take place within the parking lot between the garage and Broadway on the west side of the shop.

Recommendation:

Authorize the Special Use Permit requested for the Davis/Schwier Wedding.



SPECIAL EVENT PERMIT APPLICATION

- Type of Event:
 Parade Block Event Run Other Wedding/Reception
- Name of Event: Davis/Schwier Wedding/Reception
- Name of Sponsor (Organization, School, Church, etc.), Address and Telephone Number:
 Sponsor: Ourselves Head of Organization Bob Davis/Debbie Schwier
 Address: 60 E Chestnut St.
Coal City IL 60416
 Telephone/Cell #: 815 685-6300 / 815-530-5495
- Parade Chairman (who will manage/direct the event and will be present during the event), Address and Telephone/Cell Number:
 Chairman: Bob Davis & Debbie Schwier
 Address: 60 E Chestnut St
Coal City IL 60416
- Date of Event: 9/15/18 Beginning Time: 4:00pm Ending Time: 12:00am
- Starting Point: Block off - BROADWAY - Chestnut Ending Point: Block off Park St
 (Attach a diagram of event route, street closings, other public places to be traversed and barricade locations.)
- Location of assembly area for event: 60 E Chestnut St, CC Parking lot
 Event Assembly Time: 4:00pm starting
- Support Service(s) Requested (Police, barricades, cones, picnic tables, clean-up etc.):
Barricades to block off Broadway
between Chestnut St & Park St. Police
for crowd control & any traffic that may go
around barriers

SPECIAL EVENT PERMIT APPLICATION

Event Name: Davis/Schwier Event Date: 9-15-18
wedding/reception

9. Insurance Requirements:

Insurance is not required for residential block events. For all other special events, however, the sponsor must submit evidence of public liability insurance, insuring the sponsor and naming the village as an additional insured with the following coverage's:

Bodily injury including death: \$1,000,000/occurrence/aggregate

Property damage: \$500,000/occurrence/aggregate

If location or route includes a State Highway, the Illinois Department of Transportation shall also be named as an additional insured.

Insurance Form Received: _____

10. Requirements of Sponsors:

- a. If this is a residential block event, the sponsor must submit a petition of support signed by a minimum of 3 residents within the block upon which the special event will be held.
- b. Remove debris, trash, or garbage resulting from the conduct of the event from public property and private property, within the vicinity of the event, within 24 hours after the end of the event, provided, however, that the permittee shall remove and lawfully dispose of any injurious substance or material immediately after the dispose thereof. Such clean-up shall also include removal of trash, litter, garbage, and debris from Village trash receptacles and proper disposition of such trash, litter, garbage and debris.
- c. Obtain prior approval of the Village Administrator before any changes are made in the operation or setup of the event as detailed in the approved permit.
- d. Be present at the scene of the event, either personally or through employees, agents or representatives who have been designated upon the Permit Form, during the entire course of the event.
- e. If requested by the Village Administrator, after the event has taken place, attend a meeting relative to the conduct of the special event to work toward future improvements in the coordination of that event.
- d. If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his behalf.

Signature of Sponsor or Authorized Agent: Dellie Schwier

Authorized Agent Title: owner/operator

11. Payment of Costs for Police and Public Works Services:

- a. The sponsor of a special event who accepts a permit thereby consents to the formations of a contract between the sponsor and the Village for payment of costs, if any, for the provisions of Village services and equipment.
- b. The sponsor shall pay to the Village the direct and reasonable costs incurred by the Village as required for the clean-up of the property, if such services is not performed by the permittee and direct and reasonable costs to provide additional police and public works services for the special event. Additionally, the amount of payment required may include compensation for damage to Village property.
- c. Special events sponsored by government entities shall be exempt from the requirements of section 11.
- d. The Village Board may waive the charges for a special event.
Charges waived for () Police and/or () Public works services.

SPECIAL EVENT PERMIT APPLICATION

Event Name: DAVIS/Schwier Event Date: 9-15-18
wedding/reception

12. The undersigned agrees to release, hold harmless, and defend the Village of Coal City, it's officials and agents against any and all claims for loss, damage, personal injury, or death occurring as a result of the event for which this permit is requested. Proof of insurance is required. Insurance must name the Village of Coal City as an additional insured as stated in #9.

6/15/18
DATE

Debbie Schwier
AUTHORIZED AGENT SIGNATURE

owner/operator
AUTHORIZED AGENT TITLE

SPECIAL EVENT PERMIT

Subject to the information requested in this SPECIAL EVENT PERMIT, permission to conduct a special event is hereby granted.

Date Approved by Village Board: _____

Special Conditions: _____

DATE

VILLAGE CLERK

SPECIAL EVENT PERMIT APPLICATION

Event Name: DAVIS/SCHWYER Event Date: 9-15-18

wedding reception

THIS PAGE FOR VILLAGE USE ONLY

Received by Village Administrator's Office: _____ Date: _____

Police Department Recommendations: Approved: Denied: _____

Comments: _____
Maintenance to barricade necessary areas. Two officers hired
for the duration of the event to include any time after the
event while exit is occurring.

Traffic Control Required: Auxiliary Police Required: Yes _____ No _____

Approval Required by IDOT: _____ Yes No Detour: Detour can be either
KKK St. or Mazon St.

Reviewed by: [Signature] # 901 Date: 06-18-18
(Police Chief or Representative)

Public Works Recommendations: Approved: _____ Denied: _____

Comments: _____

Signs Required: Yes No Barricades: Yes No Other: _____

Reviewed by: _____ Date: _____
(Maintenance Director)

Village Administrator Recommendations: Approved: _____ Denied: _____

Comments: _____

Date Fire Chief Notified: _____ Approval Required by IDOT: Yes No

Reviewed by: _____ Date: _____
(Village Administrator)

SPECIAL EVENT PERMIT APPLICATION

Event Name: DNRB/Schwartz Event Date: 9-15-18
wedding/reception

SPECIAL EVENT PERMIT PETITION OF SUPPORT REQUIRED FOR RESIDENTIAL BLOCK EVENTS

If a special event is a residential block event, the sponsor must submit a petition of support of 3 of the residents within the block upon which the special event will be held.

Name of Street/Block to be closed _____

Name of Sponsor of Special Event _____

Date of Block Event _____

Hours of Block Event _____

(One person per household)

Name	Address	In Support
------	---------	------------

Coal City Police Department
Weekly Summary of Activities
Thursday 06-14-18 – Wednesday 06-20-18

During this period, there were 56 calls for service, 35 verbal warnings and 0 assist Grundy County Sheriff's Dept.

Significant Incidents

06-15-18 at 1:37 PM, police were dispatched to the police department for a juvenile problem. The complainant stated she was involved in an argument with her 17 yr.-old son resulting in him running away from the residents. Police were advised the male has a potentially serious heart condition and due to the heat she was concerned. Police were able to locate the subject who stated he did not feel well. EMS transported the male to the hospital.

06-18-18 at 10:02 AM, police returned a telephone call regarding her neighbor on Covey Lane having 4 raccoons in their possession. Police spoke with the resident who advised her boyfriend was rehabilitating them. The resident was advised without a license from the state they could be fined from the Department of Natural Resources. The resident stated she would speak with her boyfriend about turning them loose.

Arrest Summary

Speeding	11
Suspended D.L.	2
Operating an Uninsured Motor Vehicle	2
Over Weight on Registration	1
No Valid Safety Sticker	1
Warrant	2
Operating a Hand Held Device while Driving	3
Expired Registration	1
Failure to Yield	1
Failure to Reduce Speed to avoid an Accident	1
Domestic Battery	1
Unlawful Interference in reporting Domestic Battery	1
No Valid Registration	1