

Village of New Lenox
Community Development
1 Veterans Parkway
New Lenox, IL 60451
815.462.6490
815.462.6469(fax)
www.newlenox.net

the Village of New Lenox
"Home of Proud Americans"



Right-of-Way Permit
PERMIT #: _____

APPLICANT INFORMATION:

APPLICANT NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____
PHONE #: _____ EMAIL ADDRESS: _____

LOCATION/ADDRESS OF WORK: _____

DESCRIPTION OF WORK: _____

PLANS AND SPECIFICATIONS:

_____ Attached
_____ Previously Submitted Date Submitted _____
_____ Not Applicable
_____ Other: _____

CONSTRUCTION COST: _____

DATE CONSTRUCTION WILL START: _____

DATE CONSTRUCTION WILL BE COMPLETED: _____

(I/We) hereby agree to complete the work herein described in accordance with the approved plans and specifications.

APPLICANT SIGNATURE: _____ DATE: _____

VILLAGE USE ONLY

PERMIT FEE \$50.00

NAME OF INSURANCE COMPANY: _____ POLICY #: _____

A certificate of Insurance naming the Village as additionally insured in the amounts of \$1,000,000.00 per occurrence; \$2,000,000.00 products and completed operations and a \$3,000,000.00 policy aggregate.

SURETY AMOUNT: _____
Cashier's Check/ Cash

Surety amount set by Village based on type of work to take place within the right-of-way.

APPROVED BY: _____ TITLE: _____

R.O.W. CONSTRUCTION PERMITS

ENGINEERING

Section 74-141. – Village Code

No person shall dig, excavate, auger or tunnel under or within the defined right-of-way within the Village unless such person has obtained a right-of-way permit. The charge or fee payable to the Village for the issuance of permit shall be \$50.00. The permit defined in this section shall remain in effect for six months from the date of approval by the Village Engineer unless additional time is specifically requested at the time of application.

Procedures

1. Complete permit application.
2. Contractor must be registered with the Village through the Building Department's contractor registration program prior to beginning the work.
3. A certificate of insurance with the Village named as "additional insured" on the certificate is required.
4. The surety amount is set by the department head according to the scope of work being done.
5. Surety amount must be cash or cashier's check.
6. Right-of-way permit application fee is \$50.00.
7. Surety will be held for one year. Surety will then be refunded to the depositor if no defects have developed.
8. A copy of the permit shall be provided to the Building Department for verification of contractor registration.
9. Original to be approved by the Village Engineer.
10. Original to be retained in the Village file. A copy will be given to the applicant after approval and collection of all fees, bonds, insurance, etc.

ARTICLE IV. EXCAVATIONS**DIVISION 1. GENERALLY****Sec. 74-111. Penalty.**

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine of not less than \$25.00 and not more than as provided in section 1-9.

(Code 1981, § 7-2-14)

Sec. 74-112. Restoration requirements for contractors doing work for village.

Contractors with the village for the construction of sewers or water mains, or for the laying of sewer or water main pipes, shall not be required to make any money deposit when obtaining permits for excavations, but any moneys at any time due such contractors from the village on their contracts, or so much as may be required to complete the backfilling, filling or refilling of the excavations and the restoration of the street, highway, avenue or alley to good repair and condition, shall be retained by the village and used for such purpose, and no contract for such work shall be finally settled and paid for in full until after the production of a written certificate of the duly authorized agent of the village that the excavation has been properly filled and the surface of the street, highway, avenue or alley at the place of such excavation restored to good repair and condition.

(Code 1981, § 7-2-8)

Sec. 74-113. Removal of material from streets.

No person shall remove any material from any street of the village and use the material for any other purpose than the grading or improvement of such street.

(Code 1981, § 7-2-9)

Sec. 74-114. Utility mains, pipes and connections to be installed prior to paving.

When any portion of any street, highway, avenue or alley within the village is ordered paved with brick, asphalt, concrete or other material by the village board, it shall be the duty of every person to take notice of such order and promptly, before any portion of any street, highway, avenue or alley is paved, to make all excavations necessary to laying gas, sewer, water or other mains or pipes or connections therewith; provided that every person shall, in the making of any such excavations, comply strictly with all provisions of this article and other ordinances of the village governing excavations in streets, highways, avenues and alleys then existing.

(Code 1981, § 7-2-10)

Sec. 74-115. Restoration by village upon failure of permittee to complete work.

All the work of backfilling or refilling excavations and replacing the pavement and restoring such

street, highway, avenue or alley to as good repair and condition as it was before any digging or excavation therein, if not completed under supervision of the duly authorized agent of the village within the time specified in granting such permit, shall be done by the village, and the costs thereof shall be deducted from the money deposited as required by section 74-145, and the balance of such money, if any, shall be repaid to the depositor by the village clerk upon the written order, report and direction of the village president, and not otherwise.

(Code 1981, § 7-2-11)

Sec. 74-116. Barricades, lights and other warning devices.

(a) *Required.* It shall be the responsibility of the person making application as prescribed in this article to erect proper barricades, guards, flags and amber lights around all encroachments and/or open excavations in accordance with the Illinois Manual of Uniform Traffic Control Devices or as directed by the village engineer or his designee.

(b) *Unauthorized removal.* No person shall, without the consent of a duly authorized agent of the village in writing, or without the written consent of the person superintending the alterations, repairs or paving described in subsection (a) of this section, throw down, displace or remove any of the barriers and guards required by subsection (a) of this section.

(Code 1981, § 7-2-12)

Sec. 74-117. Approval of pavement cuts.

No open cut or excavation through the surface of any paved street or alley within the village will be allowed as part of the permit described in this article without approval of the village board of trustees.

(Code 1981, § 7-2-13)

Secs. 74-118–74-140. Reserved.

DIVISION 2. PERMIT

Sec. 74-141. Required; fee; term; issuance when ground is frozen.

(a) No person shall dig, excavate, auger or tunnel under or within the defined public right-of-way within the village unless such person shall have first obtained a permit therefor. The charge or fee payable to the village for the issuance of anyone permit shall be \$50.00. The permit defined in this section shall remain in effect for six months from the date of approval by the village engineer unless additional time is specifically requested at the time of application.

(b) No permit described in this section shall be granted by the village engineer when the ground is frozen to a depth of 12 inches or more, unless in case of extreme emergency, and then only in obedience to a resolution of the village board duly passed by the village board in an open meeting and approved by the village president.

(Code 1981, § 7-2-1)

Sec. 74-142. Application.

(a) Any person desiring to obtain the permit mentioned in this division shall make written application for the permit to the village engineer, stating specifically the place, extent and purpose of such excavation, with full specifications for the excavation, an estimate of the cost thereof, when the work of excavating will be commenced, and the estimated time of completion, together with an agreement on the part of such person that he will furnish and advance to the village a money deposit as required by section 74-145 and that such person will authorize, permit and allow the village, out of such deposit, to repay itself the cost and expense incurred by the village in filling the excavation and restoring the street, highway, avenue or alley to those village standards as detailed in chapter 78.

(b) The village engineer shall procure and keep on hand for the use of applicants a supply of printed blank applications for permits, and such other blanks as may be necessary and expedient to the full and complete performance of the requirements of this article.

(Code 1981, § 7-2-2)

Sec. 74-143. Bonds.

(a) In all cases when the village has granted to any person the privilege of laying water or sewer mains and services or other pipes or mains in the streets of the village, it shall be the duty of such person to file with the village clerk a bond to the village, with two sureties to be approved by the village president, in such penal sums as the village board may direct, conditioned to safely guard all excavations made in laying such pipes or mains in the manner provided and to fill such excavations as soon as the character of the work will permit and without unnecessary or unreasonable delay, and to permanently restore the surface of such street to at least the same condition as before such excavations were made within five working days from commencement of the excavation. The village engineer may, at his discretion, allow a time extension to the five days due to weather conditions.

(b) Upon completion of the street surface improvements, a surety bond or security of 100 percent of the estimated cost of the surface improvements shall be given to the village. The village will hold this for 12 months after final completion of the work as a guarantee against any defect in material or workmanship furnished in connection with such improvement and not discernible at the time of the final approval of such improvement and to guarantee against any damage by reason of settling of the ground or base thereof. After the termination of the 12 months, the surety shall be refunded to the depositor if no defects have developed. If defects have developed, then the balance of such deposit shall be refunded after reimbursement of the village for any amounts expended by it in the curing of such defects.

(c) During the course of time from commencement of the excavation to the five-working-day limit for completion of the excavation, the excavated area shall be temporarily maintained on a daily basis by the contractor to provide suitable driving conditions as determined by the public works superintendent. If, in the opinion of the public works superintendent, this area is not properly maintained, he shall notify the person to respond within a reasonable time as determined by the public works superintendent. If the area has not been temporarily maintained to the satisfaction of the village engineer or public works superintendent, village personnel shall perform this work, and all costs in labor and material shall be reimbursed to the village.

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) All excavations which occur under an existing surety bond or security along with other improvements such as subdivision improvements shall be exempt from the requirements of this section.

(Code 1981, § 7-2-3)

Sec. 74-144. Liability insurance.

No permit shall be issued or continued in operation unless and until there is in full force and effect a liability insurance policy issued by a responsible insurance company authorized to do business in the state, in the minimum amount of \$1,000,000.00 per occurrence, \$2,000,000.00 products and completed operations, and a \$3,000,000.00 policy aggregate. The policy shall be primary and non-contributory and include a waiver of subrogation. The policy shall name as an additional insured the village, its employees, elected officials, agents and representatives. A 30-day notice shall be given to the village prior to cancellation of the insurance. A certificate of insurance conforming to the requirements set forth in this section shall be deposited with the village engineer prior to the issuance of any certificate, license, or permit as provided in this division.

(Code 1981, § 7-2-4; Ord. No. 1703, § 1,11-8-2005)

Sec. 74-145. Deposit.

(a) The village engineer may grant a permit to any person making application as prescribed in this division to perform such work as described in section 74-141, provided that such person shall deposit with the village engineer such sum of money as the village engineer shall estimate to be the cost and expense of refilling the ditch, trench or excavation proposed to be made, and the repairing of the pavement at the place of such excavation in the street, highway, avenue or alley, so as to restore the street, highway, avenue or alley in accordance with village standards as detailed in chapter 78.

(b) This deposit shall be retained by the village for a period of one year after the completion, as approved by the village engineer, of that work described in the application. This deposit shall be retained as surety for the warranty of the work, and may be used by the village as described in section 74-142.

(Code 1981, § 7-2-5)

Sec. 74-146. Records.

It shall be the duty of the village engineer to keep a correct record of all permits granted by him under the provisions of this division, which record shall show the name of the person to whom the permit was granted, the place, nature, extent, character and purpose of the excavation, when the excavation is to be made, the estimated cost of refilling, backfilling and repavement, the time required to complete the excavation, the amount of money deposited with the village engineer, and the date of the permit.

(Code 1981, § 7-2-6)

Sec. 74-147. Water and sewer connections.

No person shall make any excavation in any street or alley of the village for the purpose of making connection with any water main or sewer pipe, or for the purpose of repairing any such connection, without a permit issued by the village. All excavations for such purposes, and the replacing of the matter excavated, shall be done under the supervision of a duly authorized agent of the village, at the expense of the person requiring such work to be done.

(Code 1981, § 7-2-7)

Secs. 74-148--74-170. Reserved.