

CITY OF ST. CHARLES

ORDINANCE NO. 1984-M-50

AN ORDINANCE AMENDING TITLE 12, "STREETS, SIDEWALKS
AND PUBLIC PLACES", CHAPTER 12.08, "DRIVEWAYS" OF
THE ST. CHARLES MUNICIPAL CODE

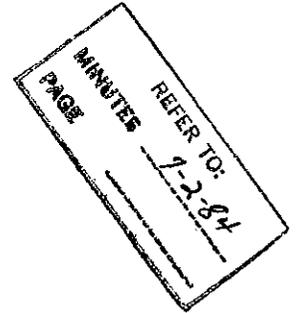
ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF ST. CHARLES
THIS 2nd DAY OF JULY, 1984

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 6th DAY OF
JULY, 1984


Jean M. Connors
CITY CLERK

ORDINANCE NO. 1984-M- 50

DATE OF PUBLICATION 7/6/84
NEWSPAPER Pamphlet Form



**AN ORDINANCE AMENDING TITLE 12, "STREETS, SIDEWALKS
AND PUBLIC PLACES", CHAPTER 12.08, "DRIVEWAYS" OF
THE ST. CHARLES MUNICIPAL CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST.
CHARLES, KANE AND DuPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

1. That Title 12, "Streets, Sidewalks and Public Places", Chapter 12.08, "Driveways" of the St. Charles Municipal Code, be and is hereby amended by deleting the same and substituting the following therefore:

"12.08 Driveways and/or Parking Areas in Public Parkway

12.08.010 Permit required.

No person, firm or corporation shall hereafter construct, build, establish or maintain any driveway and/or parking area over, across or upon any portion of the public sidewalk or public right-of-way without first having obtained a written permit to do

so from the Director of Public Works or his designee; except that when a driveway is included in an application for a permit for a single family dwelling or garage the application for permit shall be submitted to the Building Commissioner and the authorization included in the building permit. Authorization shall first be obtained from the City Council where a parking area in the public parkway is to be constructed, built, established or maintained. No permit shall be issued for construction or establishment of any such driveway and/or parking area except in accordance with the provisions herein contained.

Application for permit must be made in writing upon forms furnished by the City. Said application shall contain the name and address of the person, firm, or corporation making the application, the name of the contractor or person who is to construct said driveway and/or parking area and the proposed location and dimensions of such driveway and/or parking area. No parking areas shall be constructed used or permitted in a public parkway adjacent a residential use in a residentially zoned district. No parking area within the parkway shall be considered as meeting off street parking requirements under Title 16 of the St. Charles Municipal Code. Complete plans and specifications for any driveway and/or parking area, except where included in a building permit application for a single family dwelling or garage, shall be submitted to the Public Works Department at

least (30) days before permit is desired. The Building Commissioner may refuse to issue a permit for a driveway in those instances where operation and maintenance of public utilities may be interfered with or where such driveway may interfere with the safe passage of pedestrian and/or vehicular traffic.

12.08.020 Bond.

Before issuance of any such permit the contractor or person proposing to construct such parking area shall file with the City Clerk, on a form furnished by the City and approved by the City Attorney, a penal bond in the sum of 125% of the estimated cost of construction or 110% of the signed contract amount of the cost of construction with good and sufficient surety thereon, conditioned that the makers shall save harmless, defend and indemnify the City against or on account of accidents, damages or claims arising out of or during the construction of any parking area laid by the said contractor. All such bonds shall be continuing until terminated by notice of in writing given thirty days in advance.

12.08.030 Fees.

The fee for driveway construction permits shall be three dollars; except, that when such driveway is included in an application for a permit for a single family residence or garage,

the fee shall be one dollar.

Before any work is started for any parking areas the contractor shall pay to the City Clerk, permit and inspection fees as follows:

- A. For all new parking area construction the fee shall be Fifty Dollars (\$50.00) per parking stall.
- B. For all resurface work of an existing parking area, the fee shall be Five Dollars (\$5.00) per parking stall.
- C. For all ordinary maintenance of an existing parking area of any area, the fee shall be One Dollar (\$1.00). In addition to the fee for permit and inspection, the contractor shall deposit with the City Clerk for each new parking area to be constructed and for each parking area to be resurfaced, cash in the amount of Five Hundred Dollars (\$500.00), from which amount shall be deducted any cost of repair or replacement for any damage done to public property by the contractor in prosecution of the work for which permit has been issued. If after ten days' notice, the contractor fails to repair or replace the damaged public property, such deposit or the residuum thereof in event of deduction

for damage to public property, shall be returned upon application of the depositor and after inspection and approval of the work by the City Officers charged with such duty. Provided, however, that a contractor making a business of parking area construction in the City, or who shall elect to do so, may deposit a sum of One Thousand Dollars (\$1,000.00) and maintain this sum at not less than One Thousand Dollars (\$1,000.00) for the construction season March 1st to December 1st of each year, or until the contractor signifies in writing to the City Clerk that he has ceased doing parking area construction work in the City. Refund of any deposit, or of the balance remaining, if after neglect of the contractor the work of repair or replacement is done by the City, shall be made only on approval of the Director of Public Works.

12.08.040 Supervision.

All such work except driveway constructed in conjunction with single family dwellings and garages shall be done under the jurisdiction of the Director of Public Works and in accordance with the ordinances of the City; and upon completion shall be inspected by such Director or his designee. All driveways constructed in conjunction with single family dwellings and garages shall be done under the jurisdiction of the Building

Commissioner and in accordance with the ordinances of the City; and upon completion shall be inspected by such Building Commissioner or his designee.

12.08.050 Specifications.

All plans and specifications must conform to the following minimum requirements before permit for construction or reconstruction shall be permitted.

- A. Construction material is to be concrete or asphalt.
- B. Construction materials, labor and design will be paid for by the contractor or other permittee.
- C. Design and material specifications shall conform to the Standard Specifications for Road and Bridge Construction adopted October 1, 1979 by the Illinois Department of Transportation, three copies of which are and have been on file in the City Clerk's Office for at least thirty days prior to adoption of this ordinance, which are incorporated herein by reference.
- D. For parking areas in public parkways the following additional conditions shall apply:

1. The area must be designed by a professional engineer registered in the State of Illinois.

2. The professional engineer shall certify that the parking area will not interfere with safe passage of traffic, will not interfere with existing or proposed pedestrian walkways, and will not interfere with the operation, installation or maintenance of utilities, including but not limited to water, sanitary and storm sewer, electric, telephone, gas and cable television.

3. The permittee shall provide a contractor's affidavit and lien waivers in accordance with the Illinois Mechanics Lien Act prior to approval of the parking area by the City. The permittee shall pay for the material and labor costs incurred by the City to restore the parking areas as a result of the installation, operation and/or maintenance of any public utility within the parking area.

4. Minimum width for different types of parking areas.
 - (a) Parallel - 9 feet
 - (b) Straight - 9 feet
 - (c) Diagonal - 9 feet

5. Minimum setback from corners and driveways.
 - (a) Parallel - 20 feet
 - (b) Straight - 20 feet
 - (c) Diagonal - 20 feet

6. Where practical and reasonable and at the discretion of the City Council, landscape areas may be required to compensate for all or a portion of the lost public parkway vegetative area.

12.08.060 Driveway Grade Surfaces.

No driveway shall be so constructed or graded as to leave a step, a sharp depression or other obstruction on the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It is unlawful to have the surface finish of any driveway, where the same crosses the sidewalk constructed of such materials as to render it slippery or otherwise hazardous to pedestrians, to have the grade of such portion vary from the grade of the sidewalk, or be other than level, or to obstruct the surface drainage.

12.08.070 Driveway Construction Specifications.

Driveways across sidewalks shall be constructed in compliance with Chapter 12.30 Street Improvements. Where

concrete curb and gutter and concrete sidewalk exists, or where installation is imminent, such as would be the case in a new subdivision, then the driveway approach shall be constructed of asphalt or concrete.

12.08.080 Driveway and/or Parking Area Repair and Maintenance.

It shall be the duty of the person owning the driveway to keep the driveway and driveway approach on public right-of-way in good repair and free from obstruction and openings. Snow removal from parking areas, driveway and driveway approaches is the responsibility of the owner of the property adjacent the parkway where the parking area, driveway or driveway approach is located.

12.08.090 Ownership.

All driveways and parking areas within the public parkway are and shall remain public property irrespective of how and when installed. Parking areas within the parkway may be altered or removed at any time at the sole discretion and direction of the City Council.

12.08.100 Penalty.

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than Five Dollars (\$5.00)

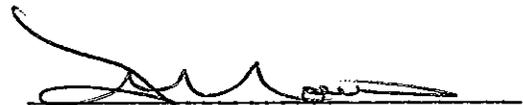
nor more than Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues."

- 2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within Thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 2nd day of July, 1984.

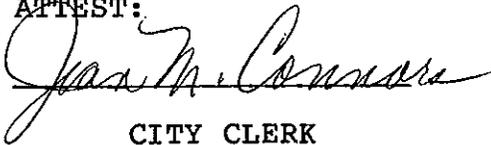
PASSED by the City Council of the City of St. Charles, Illinois, this 2nd day of July, 1984.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 2nd day of July, 1984.



MAYOR

ATTEST:



CITY CLERK

COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent: 0

