

City of St. Charles, Illinois

Ordinance No. 2009-M-35

An Ordinance Amending Title 12 "Streets, Sidewalks, and Public Places," Chapter 12.08 "Driveways and/or Parking Areas in Public Parkway," Section 12.08.010 "Permit Required," Section 12.080.020 "Bond," Section 12.08.030 "Fees," and Section 12.080.050 "Specifications," and Create Section 12.08.021 "Insurance Requirement," of the St. Charles Municipal Code

**Adopted by the
City Council
of the
City of St. Charles
May 18, 2009**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, May 22, 2009**

Nancy Gamson

City Clerk



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WHEREAS, the City Council of the City of St. Charles hereby finds that it is in the City’s best interest to establish permit fees that corresponds to the cost of providing permit related services, and

WHEREAS, the City of St. Charles have analyzed the costs related to providing plan reviews and inspections in relationship to right-of-way permits, which are reflected in the proposed fees contained herein; and

WHEREAS, the City staff finds that revisions to the City’s permitting process with respect to right-of-way permits will better service the public;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS AS FOLLOWS:

1. That the following sections of Title 12 “Streets, Sidewalks, and Public Places,” Chapter 12.08 “Driveways and/or parking areas in public parkways,” be and are hereby amended in their entirety by deleting the same and substituting the following therefore:

a. 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 and Code Enforcement Division Manager per the authorization for the driveway and/or parking area shall be included in the building permit. Authorization shall be obtained from the City prior to construction, establishment or maintenance of a parking area within the public parkway. 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 to a residential use (dwelling; attached/detached single family, multiple-family, two family) in a residentially zoned district. 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 Building and Code Enforcement Division Office at least thirty (30) days before permit is desired. The City may refuse to issue a permit for a driveway in instances where it is deemed by the Director of Public Works and the Building and Code Enforcement Division Manager that the proposed driveway will interfere with the operation and/or maintenance of public utilities and/or vehicular traffic.

b) 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, on a form approved by the City, a permit bond or performance bond in the amount of \$10,000.00 (City of St. Charles listed as beneficiary). This Bond will assure all work, including restoration, is performed in accordance with Chapter 12.30 of the St. Charles Municipal Code. The Permit bond or Performance bond must be an original copy issued by the Bond Insurance carrier, and/or agent; facsimiled copies will not be accepted. The Bond Insurance carrier and/or agent shall save harmless, defend and indemnify the City against or on account of accidents, damages, or claim arising out of or during the construction of any parking area laid by the said contractor. All such Bonds shall be valid for a minimum of a one-year term.

c) 12.08.021 Insurance Requirement:

Before issuance of any such permit the contractor or person proposing to construct such parking area shall file with the City an original copy of a Certificate of Liability Insurance in accordance with Chapter 13.22.008 of the St. Charles Municipal Code.

d) 12.080.030 Fees:

The fee for driveway and right- of-way construction permits shall be in accordance with 15.101.150 "Permit and Inspection Fees."

e) 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. The contractor or other permittee will pay for construction materials, labor and design.
- C. Design and material specifications shall be in accordance with the 'Standard Specifications for Road and Bridge Construction' and supplemental specifications of the current edition 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 (30) days prior to the adoption of this Ordinance, which specifications and special provisions are incorporated herein by reference unless otherwise superseded by this title, said specifications and special provisions being sometimes referred to herein as 'Standard Specifications'.
- 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, cable television and shall comply with Title 18 Storm Water Management Ordinance.
 - 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. All parking areas shall be in accordance with Chapter 17.24 Off Street Parking, Loading, and Access in the St. Charles Municipal Code.
 - 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.

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 18th day of May 2009.

PASSED by the City Council of the City of St. Charles, Illinois, this 18th day of May 2009.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 18th day of May 2009.



Nancy Garrison
City Clerk

Donald P. DeWitte
Donald P. DeWitte, Mayor

COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent:

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on May 18, 2009, the Corporate Authorities of such municipality passed and approved Ordinance No. 2009-M-35, entitled

"An Ordinance Amending Title 12 "Streets, Sidewalks, and Public Places," Chapter 12.08 "Driveways and/or Parking Areas in Public Parkway," Section 12.08.010 "Permit Required," Section 12.080.020 "Bond," Section 12.08.030 "Fees," and Section 12.080.050 "Specifications," and Create Section 12.08.021 "Insurance Requirement," of the St. Charles Municipal Code,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2009-M-35, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 22, 2009, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 18th day of May 2009.



Nancy Garrison
Municipal Clerk