



# ADDENDUM

## REGULAR VILLAGE BOARD MEETING

JUNE 18, 2024

7:00 PM

### **6. CONSENT AGENDA**

- v. Consideration to adopt Ordinance No. 3858 amending the Standards for Construction Facilities in the Right of Way and Adopting an Electric Utility Facility Design Standards Manual.

(This ordinance amends sections 8-8-9-2, 8-8-9-4, 8-8-9-13, 8-8-9-15, and 8-8-9-16 of the Village Code.)

In compliance with the Americans with Disabilities Act and other applicable Federal and State laws, the meeting will be accessible to individuals with disabilities. Persons requiring auxiliary aids and/or services should contact the Village Clerk, preferably no later than five days before the meeting.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE STANDARDS FOR CONSTRUCTING FACILITIES IN THE RIGHT OF WAY AND ADOPTING AN ELECTRIC UTILITY DESIGN STANDARDS MANUAL**

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**WHEREAS**, the Village of Elk Grove Village (“**Village**”) is an Illinois home rule municipal corporation organized and operating under the Constitution and laws of the State of Illinois; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and governing the use of public right-of-way and that protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the Village uses the public rights-of-way within its corporate limits to provide essential public services to its residents and businesses, including traffic control signals, street lighting, water, sanitary sewers, and storm sewers; and

**WHEREAS**, other utility service providers, including electricity, telephone, natural gas and cable television and video service providers have placed, or from time to time may request to place, certain utility facilities in the public rights-of-way within the Village; and

**WHEREAS**, the public rights-of-way within the Village are a limited public resource held in trust by the Village for the benefit of its citizens and the Village has a custodial duty to ensure that the public rights-of-way are used, repaired and maintained in a manner that best serves the public interest; and

**WHEREAS**, on or about November 13, 2007, the Village approved Ordinance No. 3145 establishing standards for constructing facilities in Village rights of way (“**Utility Code**”); and

**WHEREAS**, since that time, the demand for electric utility service in the Village has grown dramatically; and

**WHEREAS**, the Village wishes to amend the Utility Code to identify the appropriate location for electric utility lines and further establish conditions applicable to the construction of electric utilities; and

**WHEREAS**, this Ordinance is adopted pursuant to the Village’s home rule authority; the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*, including, without limitation, Sections 11-20-5, 11-20-10, 11-42-11, 11-42-11.2, 11-80-1, 11-80-3, 11-80-6, 11-80-7, 11-80-8, 11-80-10, and 11-80-13; and the Illinois Highway Code, 605 ILCS 5/1-101 *et seq.* including, without limitation, Articles 7 and 9 thereof; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, State of Illinois, in exercise of its home rule powers, as follows:

**Section 1: RECITALS AND EXHIBITS.** The recitals set forth above and all exhibits attached to this Ordinance are incorporated into this Section as if fully set forth herein.

**Section 2: CODE AMENDED.** Elk Grove Village Code of Ordinances (“Code”) Section 8-8-9-2 is amended as follows (additions underlined):

**8-8-9-2: DEFINITIONS:**

As used in this section 8-8-9 and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Illinois administrative code section 530.30, unless the context clearly requires otherwise.

**UTILITY:** The individual or entity owning or operating any "facility" as defined in this section.

**ELECTRIC UTILITY DESIGN STANDARDS MANUAL:** Those standards that were adopted by the Village on June 18, 2024, as amended, and are publicly available for review at the Department of Community Development Office.

**Section 3: CODE AMENDED.** Code Section 8-8-9-4 is amended as follows (deletions ~~struck through~~ and additions underlined):

**8-8-9-4: PERMIT REQUIRED; APPLICATIONS AND FEES:**

F. ~~Application Fees:~~

1. Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this section shall be accompanied by a fee in the amount of one thousand five hundred dollars (\$1,500.00). No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee, or providing a franchise payment, pursuant to the Electricity Infrastructure Maintenance Fee Law, being 35 ILCS 645/5-1 et seq.

2. Utility Fees. All permits pursuant to this section shall be subject to the fees set forth in the Electric Utility Design Standards Manual.

**Section 4: CODE AMENDED.** Code Section 8-8-9-13 is amended as follows (additions underlined and deletions ~~struck through~~):

**8-8-9-13: 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, including, without limitation, the Electric Utility Design Standards Manual, 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. "Illinois 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 section 8-8-9, the Director of Community Development shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Director of Community Development shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

**Section 5: CODE AMENDED.** Code Section 8-8-9-15 is amended as follows (deletions ~~struck through~~ and additions underlined):

**8-8-9-15: LOCATION OF FACILITIES:**

F. Location Of Electric ~~Distribution~~ Lines: ~~Aboveground facilities may be installed only if:~~

- ~~—1. Existing Facilities: No other existing facilities in the area are located underground;~~
- ~~—2. Underground Installation: New underground installation is not technically feasible; and~~
- ~~—3. Suitable Designs And Materials: 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 shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.~~
- ~~—4. Prohibition: Notwithstanding the provisions of subsections F1 through F3 of this section, no No permanent or temporary overhead electric~~distribution~~ lines shall be~~

~~permitted to be installed; provided, however, new permanent or temporary overhead electric lines may be installed on poles that were in existence on June 18, 2024 at any location along Busse Road or Elmhurst Road.~~

~~5. Additional Distribution Lines: All Any additional permanent and or temporary electric distribution lines shall be installed below ground at the expense of the customer or the property owner, as the case may be and, unless authorized by the preceding sentence, shall be installed below ground.~~

**Section 6: CODE AMENDED.** Code Section 8-8-9-16 is amended as follows (deletions struck through and additions underlined):

**8-8-9-16: CONSTRUCTION METHODS AND MATERIALS:**

A. Standards And Requirements For Particular Types Of Construction Methods:

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                                | <del>30 inches (0.8m)</del> <u>In accordance with the Electric Utility Design Standards Manual</u> |
| Communication, cable or video service lines   | 18 to 24 inches (0.46m to 0.6m, as determined by village <del>{city}</del> )                       |
| Gas or petroleum products                     | 30 inches (0.8m)   |
| 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 Illinois administrative 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: Where permitted by this Section 8-8-9, overhead~~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 guywires are equipped with guy guards for maximum visibility.

**Section 7: MANUAL ADOPTED; ENFORCEMENT.** The Electric Utility Design Standards Manual (“**Manual**”) attached as Exhibit A is hereby adopted. The Director of Community Development is directed to make the Manual available to the public at the Department of Community Development Office. The Village Manager, or their designee, is hereby: (a) authorized and directed to enforce the Manual, and (b) authorized to periodically update, revise, and amend the Manual, provided that no update, revision, or amendment shall be effective until the updated Manual has been made publicly available at the Department of Community Development Office for at least five (5) calendar days.

**Section 8: SUPERSEDER.** In the event a conflict exists between the terms of this Ordinance and any other ordinance or resolution of the Village, the terms of this Ordinance shall govern.

**Section 9: SEVERABILITY.** This Ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this Ordinance is found to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this Ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

**Section 10: EFFECTIVE DATE.** This Ordinance shall be in effect immediately from and after its passage and approval and publication in the manner provided by law. The provisions of the Code amended herein shall be reprinted with the changes.

**VOTE: AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSENT: \_\_\_\_\_**

**PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2024**

**APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2024**

**APPROVED:**

\_\_\_\_\_  
**Mayor Craig B. Johnson**  
**Village of Elk Grove Village**

**ATTEST:**

\_\_\_\_\_  
**Loretta M. Murphy, Village Clerk**

**PUBLISHED in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_ 2024.**

**Electric Utility Design Standards Manual**  
Adopted June 18, 2024

1. The proposed path of any underground electric utility facility shall be subject to approval by the Director of Community Development in accordance with the standards set forth in accordance with Elk Grove Village Code of Ordinances Section 8-8-9, *et seq.* (“**Code**”), and this Electric Utility Design Standards Manual (“**Manual**”), all as amended. All terms used but not defined in this Manual shall have the same meaning as used in the Code.
2. The Village will, within a reasonable time after receiving a complete permit application, notify the applicant of additional costs associated with the underground electric utility facility.
3. Electric utility facility duct packages shall consider future development and be able to support multiple customers/ end-users.
4. Coordination with impacted entities, including, without limitation, the Illinois Department of Transportation, the Cook County Department of Transportation and Highways, and any private property owner will be the responsibility of the applicant.
5. Duct packages are not permitted to be placed under the roadway unless the Director of Community Development determines that it is not feasible from a design perspective to place the package in the parkway or public utility easement. When determining feasibility, the Director of Community Development will consider existing utilities located in the right of way, spacing requirements between utilities, the right of way’s current condition, the Village’s plans for future right of way improvements, and other physical and infrastructure conditions associated with the right of way as reasonably deemed relevant by the Director of Community Development.
6. It is the Village’s policy to support the placement of two or more electric utility facility duct packages within a single roadway corridor. As such, the following order of preference shall apply:
  - A. Whenever possible, the electric utility facility duct package shall be placed in a public utility easement or the parkway.
  - B. If no existing space is available in the parkway or public utility easement, and the water main is deemed eligible for relocation, as determined by the Director of Community Development, the applicant shall pay the fee required to relocate the Village water main, and then shall locate the duct package in the location of the abandoned Village water main.
  - C. If an electric utility facility duct package already exists running parallel in a roadway corridor, and the Director of Community Development determines, in accordance with Manual Section 5, that it is not feasible from a design perspective to place an electric utility facility duct package in a public utility easement or in the parkway, only then may the duct package be located under the roadway. In such case, the Director of Community Development may modify the proposed path to another roadway, taking into account the age and condition of the pavement, the Village’s infrastructure

improvement plans, and the need to ensure viability of future anticipated utility paths. The duct package shall be placed on the opposite side of the road from the Village water main. The half of the roadway adjacent to Village water main shall be reserved for future water main replacement.

7. Electric utility duct packages, including any installation of more than one electric line, shall be installed eight feet (8') deep at a minimum; provided, however, that a single electric line may be installed at a minimum depth of thirty inches (30").

8. Manhole lids allowing access to underground electric utility facilities shall be located outside of the anticipated wheel path of traffic.

9. Minimum roadway repair shall include replacement of curb and gutter and aprons, resurfacing of roadway pavement from curb to curb the entire limits of the block including pavement through the intersections. All work shall be performed by applicant and at the applicant's sole cost in accordance with current Village Construction Standards and Details, available on the Village's website, and standards provided within the Elk Grove Village Code of Ordinances, including but not limited to Section 8-8A-3B, 8-8A-3C. The Village, at their sole discretion, may require sidewalk/sidepath installation and/or replacement on the same side of the right of way as the utility improvements.

10. Duct packages that are being installed under the roadway to facilitate a perpendicular crossing of such roadway shall be completed by directional boring.

11. Open cutting shall only be permitted for duct packages that are being installed under the roadway running parallel in a roadway corridor. The construction of perpendicular roadway crossings for such duct packages shall be conducted in a manner in which two-way traffic will be maintained. Necessary Maintenance of Traffic (MOT) plans will be required to be submitted for review and approval by the Director of Community Development.

## 12. Utility Fees

a. The applicant shall pay for all construction related to the duct package installations and restoration.

b. The applicant shall pay the Village a cost of \$1,000 per linear foot for the Village to relocate its water main to the roadway.

c. The applicant shall pay the Village a fee of \$500 per linear foot for the right to install a duct package running parallel underneath the roadway. This fee shall not apply for duct packages that are being installed by directional boring under the roadway for a perpendicular crossing only.