

41-O-20

AN ORDINANCE

Amending City Code Section 7-4-1 "Permit Required, Fees, Bond" to Designate the Public Works Director as the Approval Authority for Excavations and Restrict Excavations in Winter Months

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: Section 7-4-1 of the Evanston City Code of 2012, as amended, is hereby further amended by allowing for the onsite consumption as follows:

7-4-1. - PERMIT REQUIRED; FEES, BOND.

No permit for the making of any opening, hole or excavation in a public right-of-way or other public property shall be issued for any purpose until all fees therefor shall have been paid in full and unless and until an indemnity bond in the penal sum that, in the sole determination of the ~~City Manager or his/her designee~~ Public Works Director, is reasonably related to the project, shall have been filed with the City to protect and hold it free and harmless from all claims or rights of action arising from or claimed to be due to the making, existence, replacement or filling of such opening, hole or excavation.

No permit for the making of any opening, hole, or excavation in a public right-of-way shall be issued between November 1st and March 1st unless said excavation is required for the emergency repair or replacement of an existing underground utility.

- (A) **Underground Sprinkler System; Permit Required, Fees, Bond, Insurance.** Underground Sprinkler System; Permit Required, Fees, Bond, Insurance: No permit for the making of any opening, hole or excavation in a public right-of-way or other public property shall be issued for the purpose of installing an underground sprinkler system until all fees therefor shall have been paid in full and the installer provides the City with proof of a bond and a certificate of insurance, which names the City as an additional insured, in accordance with this Section. Such proof of insurance shall be accompanied by an agreement executed by the installer indemnifying and holding the City harmless from all liability for damages or expenses resulting from or by reason of issuing of the required permit for construction of an underground sprinkler system.
- (B) **Transfer of Property.** Applicants will be responsible for notifying the City Clerk in writing at least thirty (30) days prior to the transfer of their property and interest in the public right-of-way. Further, should there be any improvement to

the public right-of-way upon Which the underground sprinkler system is located, it will be the responsibility of the applicant or his/her successor(s) to remove the underground sprinkler system at his/her/their own cost.

(C)The City, its officers, agents and employees shall not be liable for any damages or injuries, incurred during City improvements to the public right-of-way, to any underground sprinkler system, or portion thereof, located in the public parkway.

SECTION 2: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and must be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance must be in full force and effect after its passage, approval, and publication in the manner provided by law.

SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: April 13, 2020, 2020

Approved:

Adopted: April 27, 2020, 2020

April 30, 2020



Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Eduardo Gomez

Kelley A. Gandurski

~~Devon Reid, City Clerk~~

Kelley A. Gandurski, Corporation Counsel

Eduardo Gomez, Deputy City Clerk