

10/09/2023

100-O-23

AN ORDINANCE

Amending Title 7, “Public Ways” of the City Code

WHEREAS, the Public Works Department has determined that excavations in paved City streets degrade and shorten the expected life of the surface of the street within two (2) feet of the perimeter of the area of excavation, which increases the frequency and cost to the City for necessary resurfacing, maintenance and repair; and

WHEREAS, the Public Works Department has determined that it is in the best interest of the City of Evanston to provide for said increases in the frequency and cost to the City by amending the text of Title 7, “Public Ways,” Chapter 4, “Excavations;” and

WHEREAS, the Public Works Department has determined that the dates in Title 7, “Public Ways” that prohibit certain actions in winter months should be amended to better align with winter weather conditions.

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

SECTION 1: Title 7, “Public Ways,” Chapter 4, “Excavations,” of the Evanston City Code of 2012, as amended, is hereby further amended 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 Public Works Director or his/her designee, 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~~ street or improved alley shall be issued between November 1st 15 and March 31 unless said excavation is required for the emergency repair or replacement of an existing underground utility.

7-4-3-2. PAVEMENT DEGRADATION FEE, APPLICATION.

The pavement degradation fee is applied as follows:

- (A) Each person or entity receiving a right-of-way permit granting permission to excavate a public street or improved alley in the City shall also, in addition to paying the applicable permit fee, pay to the City a pavement degradation fee prior to issuance of said permit.
- (B) The amount of the pavement degradation fee shall be based on the impacted street area, age of the street, and pavement degradation schedule.
- (C) Definitions for purposes of this Section:

<i>EMERGENCY REPAIRS.</i>	Repairs to restore existing water, sewer, natural gas, electric, or telecommunications utility services to the applicant's property that have been interrupted due to collapse, breakage, rupture, blockage, failure or other similar reason.
<i>IMPACTED STREET AREA.</i>	The area in square feet of the pavement restoration to the street shown in the right-of-way permit application.
<i>PAVEMENT DEGRADATION SCHEDULE.</i>	The fee in dollars set forth in Subsection 7-4-3-3 of this Section, "Pavement Degradation Fee Rate Table," of this Chapter, the "Pavement Degradation Fee Rate Table" of the <u>Pavement Degradation Policy</u> applicable to the current age of

	the street to be excavated.
<u>PAVEMENT DEGRADATION POLICY</u>	<u>The rules and procedures developed and implemented by the City Manager or his designee that sets forth the City's pavement degradation policy. See Addendum A.</u>
<u>PAVEMENT RESURFACING SCHEDULE.</u>	<u>The fee in dollars set forth in the "Additional Pavement Resurfacing Fee Rate Table" of the Pavement Degradation Policy, applicable to the classification of the street or improved alley to be excavated between November 15 and March 31.</u>

(D) Only "emergency repairs" will be allowed in streets improved within the past three (3) years unless exempted by the department of public works.

(E) It is the responsibility of the right-of-way permit holder to notify the Director of Public Works or his/her designee no later than the close of the next business day if the area of a street actually excavated by the permit holder exceeds the dimensions stated in the right-of-way permit application, such that the understatement of the impacted street area results in the permit holder having underpaid the pavement degradation fee. Such permit holder shall pay the additional amount of pavement degradation fee due to the City within two (2) business days of providing such notice to the Director of Public Works.

(F) If, upon inspection of the site of an excavation for which payment of a pavement degradation fee was required under this Section, it is determined by the City that the area of a street actually excavated exceeds the dimensions stated in the right-of-way permit application, such that the understatement of the impacted street area has resulted in the permit holder having underpaid the pavement degradation fee, and the permit holder has failed to provide the notice to the Director of Public Works required in Subsection (E) of this Section, then in addition to the payment of the additional amount of pavement degradation fee required under this Section, the permit holder shall pay a two hundred fifty dollar (\$250.00) administrative fee to the City to compensate the City for its administrative expenses related to the permit holder's failure to comply with Subsection (E) of this Section.

(G) A permit holder who excavates the paved streets or improved alleys between November 15 and ~~April 1~~ March 31 is required to pay an additional ~~two hundred fifty dollar (\$250.00)~~ pavement resurfacing fee as set forth in the

Pavement Degradation Policy in lieu of placing the final ~~surface~~ bituminous surface. This will provide the City with the funds necessary to complete the final surface restoration once asphalt becomes available in the following spring.

7-4-3-3. PAVEMENT DEGRADATION FEE RATE TABLE.

<u>Street Condition</u>	<u>Pavement Degradation Schedule</u>
1 to 4 years	\$550.00 with an additional \$16.00 per square foot of impacted street area over 25 square feet per location
4 to 8 years	\$450.00 with an additional \$12.00 per square foot of impacted street area over 25 square feet per location
Older than 8 years	\$150.00 per location

7-4-3-3. CLASSIFICATION OF STREETS

The management analyst shall, by and with the consent of the City Council, be authorized to designate certain streets or portions thereof as major or collector streets. Those streets or portions thereof so designated shall be maintained in Schedule I of the Pavement Degradation Policy.

SECTION 2: Title 7, "Public Ways," Chapter 8, "Trees and Shrubs," of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

7-8-4-1. RESTRICTED PARKWAY PLANTINGS.

(D) *Temporary Fencing Allowed.* Temporary fencing for the purpose of restoring landscaped parkway is allowed one (1) time for up to eight (8) weeks

between March ~~15~~ 31 and November 15 each year without a City permit. The temporary fencing shall consist of posts and/or stakes that are twenty-four (24) to thirty-six (36) inches in height and comprised of flexible, non-metal material and string and/or twine that is tightly wrapped around the posts to protect the parkway area being restored. Residents are responsible for maintaining the temporary fence in a neat and erect position. Residents must sign an indemnification agreement with the City prior to erecting such temporary fencing.

SECTION 3: Title 7, "Public Ways," Chapter 17, "Standards for the Construction of Facilities On the Public Right-of-Way," of the Evanston City Code of 2012, as amended, is hereby further amended as follows:

7-17-17. CONSTRUCTION METHODS AND MATERIALS.

(B) *Standards And Requirements For Particular Types Of Facilities.*

1. *Electric Power Or Communication Lines.*

d. *Burial Of Drops.* All temporary service drops placed between November 4 ~~15 of the prior year~~ and March ~~15 of the current year~~ 31, also known as snowdrops, shall be buried by the following May 31 ~~of the current year~~, weather permitting, unless otherwise permitted by the City. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten (10) business days after placement.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: If any provision of this Ordinance 100-O-23 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this

Ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

SECTION 6: Ordinance 100-O-23 shall be in full force and effect after its passage and approval.

SECTION 7: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: October 9, 2023

Approved:

Adopted: October 23, 2023

October 27, 2023

Daniel Biss
Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza
Stephanie Mendoza, City Clerk

Alexandra B. Ruggie
Alexandra B. Ruggie, Interim Corporation Counsel

Addendum A

Pavement Degradation Policy

In 2023, the City of Evanston passed Ordinance 100-O-23, which created the Pavement Degradation Policy. This Policy contains:

Pavement Degradation Fee Rate Table	2
Additional Pavement Resurfacing Fee Rate Table	2
Pavement Patching Detail	3
Schedule I - Classification of Streets	
Schedule I(A): Classification of Major Streets	4
Schedule I(B): Classification of Collector Streets	6

In accordance with the provisions of Section 7-4-3-2 of the City Code, the following table provides the pavement degradation fee based on the age of the street.

PAVEMENT DEGRADATION FEE RATE TABLE.

<u>Age of Street</u>	<u>Pavement Degradation Schedule</u>
3 years and younger	\$550.00 per location with an additional \$22.00 per square foot of impacted street area over 25 square feet
4 to 7 years	\$450.00 per location with an additional \$18.00 per square foot of impacted street area over 25 square feet
8 years and older	\$150.00 per location

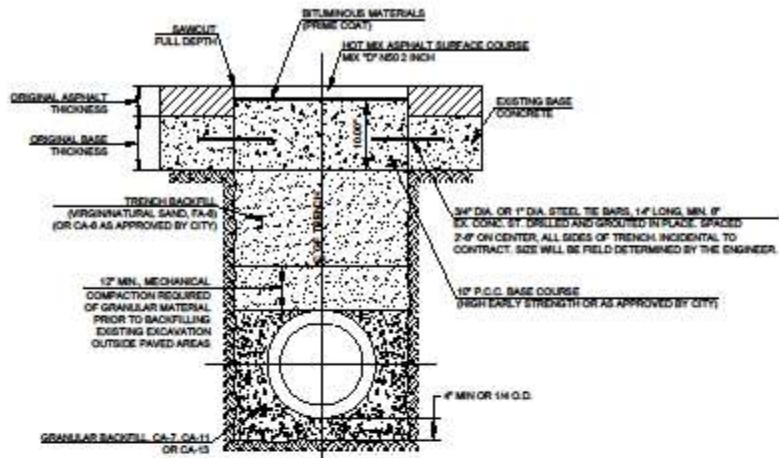
In accordance with the provisions of Section 7-4-3-2(G) of the City Code, the following table provides the additional pavement resurfacing fee based on the classification of the street and only applicable to streets and improved alleys excavated between November 15 and March 31.

ADDITIONAL PAVEMENT RESURFACING FEE RATE TABLE.

<u>Street Classification</u> <u>(Set forth in this policy)</u>	<u>Pavement Resurfacing Schedule</u> <u>(November 15 – March 31)</u>
Local/Improved Alley	\$650.00 per location with an additional \$20.00 per square foot of impacted street area over 36 square feet
Collector	\$800.00 per location with an additional \$20.00 per square foot of impacted street area over 36 square feet
Major	\$950.00 per location with an additional \$20.00 per square foot of impacted street area over 36 square feet

After excavation within the City of Evanston streets and improved alleys, all pavement restorations shall be patched according to the following Pavement Patching Detail. A pre-pour inspection by the City of Evanston is required prior to pouring concrete within these patches. To schedule a pre-pour inspection, please call the City inspection line @ 847-448-8207.

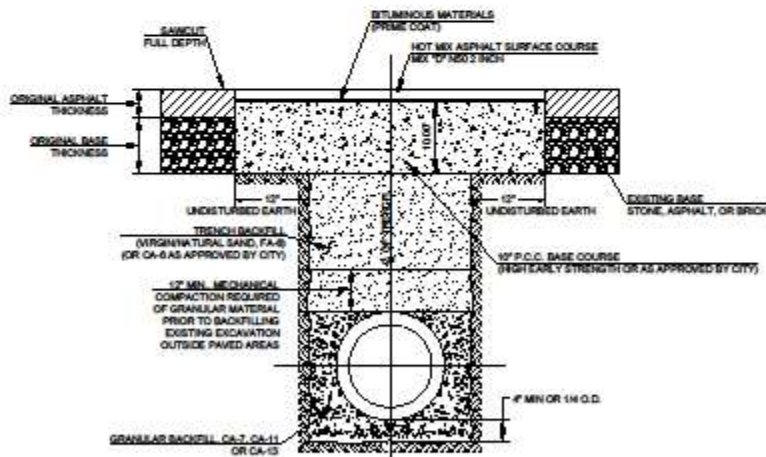
FULL DEPTH PATCH DETAIL - CONCRETE BASE



NOTES

1. SAWCUT SHALL NOT EXTEND BEYOND CORNER OF PAVEMENT PATCH AND ALL EDGES CRACK SEALED
2. DOWELS TO BE USED WHEN EXISTING BASE IS CONCRETE
3. DOWELS MUST BE EPOXY COATED
4. BACKFILL FOR P.V.C. PIPE MUST USE GRANULAR BACKFILL TO A LEVEL OF 12-INCH (MINIMUM) OVER THE TOP OF THE PIPE
5. TRENCH BACKFILL IS TO BE COMPACTED BETWEEN EVERY LIFT. EACH LIFT SHALL BE A MAXIMUM OF 12".

FULL DEPTH PATCH DETAIL - STONE/ASPHALT/BRICK BASE



NOTES

1. SAWCUT SHALL NOT EXTEND BEYOND CORNER OF PAVEMENT PATCH AND ALL EDGES CRACK SEALED
2. 12" OVER CUT REQUIRED WHEN DOWELS ARE NOT PRESENT
3. BACKFILL FOR P.V.C. PIPE MUST USE GRANULAR BACKFILL TO A LEVEL OF 12-INCH (MINIMUM) OVER THE TOP OF THE PIPE
4. TRENCH BACKFILL IS TO BE COMPACTED BETWEEN EVERY LIFT. EACH LIFT SHALL BE A MAXIMUM OF 12".

PAVEMENT PATCHING DETAIL



City of
Evanston

PUBLIC WORKS AGENCY

SCHEDULE I - CLASSIFICATION OF STREETS

(A) In accordance with the provisions of Section 7-4-3-3 of the City Code, the following streets or portions of streets are hereby classified as major streets.

SCHEDULE I(A): CLASSIFICATION OF MAJOR STREETS	
Asbury Avenue	Green Bay Road to Howard Street
Burnham Place	Forest Avenue to Sheridan Road
Callan Avenue	Oakton Street to South Boulevard
Central Street	Sheridan Road to Gross Point Road
Chicago Avenue	Howard Street to Sheridan Road
Church Street	West City Limits to Asbury Avenue
Crawford Avenue	North City Limits to Simpson Street
Dempster Street	West City Limits to Chicago Avenue
Dodge Avenue	Howard Street to Emerson Street
Elgin Road	Emerson Street to Chicago Avenue
Elgin Road	Simpson Street to McCormick Boulevard
Emerson Street	McCormick Boulevard to Sherman Avenue

SCHEDULE I(A): CLASSIFICATION OF MAJOR STREETS

Forest Avenue	Main Street to Davis Street
Forest Place	Davis Street to Sheridan Road
Glenview Road	West City Limits to North City Limits
Green Bay Road	Ridge Avenue to North City Limits
Gross Point Road	North City Limits to Harrison Street
Harrison Street	Greeley Avenue to Crawford Avenue
Howard Street	West City Limits to East City Limits
Main Street	West City Limits to Sheridan Road
McCormick Boulevard	Emerson Street to Green Bay Road
Oakton Street	West City Limits to Callan Avenue
Ridge Avenue	Howard Street to Sheridan Road
Sheridan Road	South City Limits to Burnham Place
Sheridan Road	Davis Street to North City Limits
Sherman Avenue	Elgin Road to Central Street

SCHEDULE I(A): CLASSIFICATION OF MAJOR STREETS

Simpson Street	Crawford Avenue to Elgin Road
South Boulevard	Callan Avenue to Sheridan Road

(B) In accordance with the provisions of Section 7-4-3-3 of the City Code, the following streets or portions thereof are hereby classified as collector streets.

SCHEDULE I (B): CLASSIFICATION OF COLLECTOR STREETS

Benson Avenue	Davis Street to Elgin Road
Bridge Street	McCormick Boulevard to Simpson Street
Central Park Avenue	Simpson Street to North City Limits
Church Street	Asbury Avenue to Sheridan Road
Clark Street	Ridge Avenue to Oak Avenue
Clark Street	Benson Avenue to Elgin Road
Clark Street	Chicago Avenue to Sheridan Road
Custer Avenue	South City Limits to Main Street
Davis Street	Asbury Avenue to Forest Place

SCHEDULE I (B): CLASSIFICATION OF COLLECTOR STREETS

Dempster Street	Chicago Avenue to Forest Avenue
Dodge Avenue	Emerson Street to Simpson Street
Foster Street	Ridge Avenue to Sheridan Road
Grant Street	West City Limits to Prairie Avenue
Greenleaf Street	Dodge Avenue to Chicago Avenue
Greenwood Street	Sherman Place to Chicago Avenue
Grove Street	Oak Avenue to Chicago Avenue
Hinman Avenue	Davis Street to Clark Street
Isabella Street	Highland Avenue to Sheridan Road
Lake Street	Dodge Avenue to Chicago Avenue
Lincoln Street	McDaniel Avenue to North Campus Drive
Maple Avenue	Dempster Street to Church Street
Maple Avenue	Church Street to Foster Street
McDaniel Avenue	Elgin Road to North City Limits

SCHEDULE I (B): CLASSIFICATION OF COLLECTOR STREETS

Noyes Street	Green Bay Road to Sheridan Road
Oak Avenue	Dempster Street to Clark Street
Orrington Avenue	Sherman Avenue to Clark Street
Prairie Avenue	Grant Street to McCormick Boulevard
Sherman Avenue	Greenwood Street to Elgin Road
Sherman Place	Dempster Street to Greenwood Street