

## CHAPTER 37

### CONSTRUCTION AND EXCAVATION IN STREETS

1. **LICENSE REQUIRED.** No person, firm or corporation, other than employees of the City or persons or entities engaged in performing work pursuant to a contract to which the City is a party or performing work as an employee of or pursuant to a contract with a public utility franchised by the City, shall construct anything in or on, or make any excavation in, or otherwise alter any street, alley, easement or other public place of the City for any purpose without then being currently licensed by the City so to do.

2. **APPLICATION FOR LICENSE.** Licenses may be obtained from the City Clerk upon application furnishing such information as may reasonably be required upon forms to be furnished by such Clerk accompanied by a non-refundable, non-proratable fee of Seventy-five Dollars (\$75.00), a bond in the amount of Five Thousand Dollars (\$5,000.00) conditioned as elsewhere provided herein, and a certificate of insurance showing coverage as elsewhere provided herein. Said license shall expire on January 31, next after the issuance thereof.

(Amended, Ordinance No. 2016-81, November 21, 2016)

3. **BOND.** The principal of said bond shall be the licensee, with the City as obligee, and conditioned upon the full compliance by the principal with all provisions of statute, ordinance, standards, rule or regulation applicable to the work to be performed under said license, the payment of all fees or charges accruing to the City connected therewith and against any faulty workmanship or materials and to remain in effect for a period not less than three (3) years from

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the end of the license period during which work under said license was done, all in such form and with such surety or security as may be approved by the Corporation Counsel which said security may be in any form as is approved for Site Development or Subdivision Bonds.

4. **INSURANCE.** No such license shall be valid unless there is, and all privileges under any issued license shall terminate automatically at anytime there ceases to be on file with the Finance Department, a certificate evidencing a valid contract of insurance between the licensee and a company authorized to do business in this State and approved by the Risk Manager. The contractor may purchase insurance for the full limits required, or a combination of primary policies for lesser limits and the remaining limits provided by an Umbrella or Excess policy. Any policy providing excess limits shall name the City as additional insured and be primary. The Certificate shall provide for not less than thirty (30) days notice to the City before cancellation or modification of coverage can be effective.

The insurance contracts shall provide:

(a) Comprehensive General Liability on an occurrence basis for premises, operations, completed operations and product liability with limits not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate and for completed operations and products. There shall not be any exclusions limiting property damage, or barring contractual liability, or barring explosion, collapse or underground operations. The City will be named as an additional insured and the licensee's insurance must be primary.

(b) Commercial Auto Liability with limits of not less than \$1,000,000 Combined Single Limit for bodily injury and property damage each occurrence. The policy shall also cover hired and nonowned vehicles. The City will be named as an additional insured and the licensee's insurance must be primary.

(c) Workers Compensation insurance according to the provisions of the Illinois Worker's Compensation Act, as amended, with Employer's Liability of not less than \$500,000 each accident,

\$500,000 for Disease - policy limit and \$500,000 for Disease - each employee.

(Amended, Ordinance No. 2005-04, February 7, 2005)

(Amended, Ordinance No. 89-42, May 1, 1989)

(Amended, Ordinance No. 89-35, April 7, 1989)

5. **REVOCATION OF LICENSE.** Such a license may be revoked or issuance or renewal thereof refused by order of the City Manager if it appears to said officer that the licensee or applicant has so performed as to indicate there exists reasonable cause so to do, but only after an opportunity to be heard upon the matter has been afforded such licensee or applicant.

6. **PERMIT REQUIRED.** No construction, excavation or other alteration, other than that done by employees of the City or persons or entities engaged in performing work pursuant to a contract to which the City is a party or performing work as an employee of or pursuant to a contract with a public utility franchised by the City, shall be done in or on any street, alley, easement or other public place of the City for any purpose without a permit for that specific work issued by the Engineering Division upon application thereto to be furnished thereby and requiring such information as may be deemed by it to be necessary or desirable for it to enforce the provisions hereof.

7. **EMERGENCY.** In the event of an emergency occurring during a time other than the usual office hours of the Engineering Division, work may be commenced without first obtaining a permit for the same, provided that application for such permit is made promptly upon the next business day of said Division.

8. **APPLICATION FOR PERMIT.** Applications for permits shall be accompanied by payment of the permit fee in the amount determined from the current schedules set out in the Street Excavation and Restoration Specifications or the Street New Construction Specifications, whichever is applicable, from time to time approved by the Council.6

9. **EXCAVATION AND CONSTRUCTION STANDARDS.** All work, materials, restoration, processes, procedures, protections, fees, charges or reimbursements shall be done, made, performed or supplied in any excavation or construction in any street, alley, easement or other public place of the City in conformity and compliance with the provisions of the current Street Excavation and Restoration Specifications or the Street New Construction Specifications, whichever is applicable to the work, from time to time approved by the Council, the provisions of the City Code and other applicable ordinances, and the provisions of the rules and regulations authorized to be promulgated hereby.

10. **RULES AND REGULATIONS.** The City Manager is hereby authorized to from time to time promulgate and enforce such rules and regulations as may be by said officer deemed necessary or desirable to carry out the intent and purpose hereof, or to enable the proper administration and enforcement of the provisions hereof and of said specifications.

11. **PENALTY.** Any person or entity making or causing any excavation, restoration or other alteration, or removing or causing removal of any curb, or constructing or causing construction of any sidewalk, curb, gutter, pavement, driveway or other structure or improvement in or on any street, alley, easement or other public place of the City without a license or permit, or by one not having a license or permit as required hereby, or other than in conformity and compliance with the provisions hereof and of said standards, rules and regulations made applicable thereto hereby shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00).

(Amended, Ordinance No. 2011-69, October 31, 2011)