CHAPTER 8
PUBLIC WAYS

DIVISION 1 - GENERAL PROVISIONS

SEC. 8.1-1  SUPERVISION. All public ways shall be under the supervision of the Director of Public Works. The Director shall have supervision over all work thereon and the cleaning thereof.

SEC. 8.1-2  PUBLIC WAYS. As used in this Chapter, public ways shall mean all right-of-ways dedicated to or owned by the Town and includes but is not limited to public streets, alleys, sidewalks, parkways, or easements.

SEC. 8.1-3  CONSTRUCTION. It shall be unlawful, for any person except a contractor or subcontractor employed by the Town, to conduct any construction of any type, including sidewalks, on any public way or repair the same without having first secured a permit therefor. Applications for such permits shall be made to the Department of Public Works and shall state the locations of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction. (Amended 6/4/74)

SEC. 8.1-4  PLANS AND SPECIFICATIONS. Each application shall be accompanied by a complete set of plans and specifications for the proposed construction, or reconstruction, and anything incidental thereto.

SEC. 8.1-5  ISSUANCE OF PERMITS. The Director of Public Works shall have responsibility for issuance of permits for construction in any public way. Such permits shall be issued upon compliance with the provisions contained in this Division and Division 2 of this Chapter. Such permits shall be subject to the same terms and conditions provided in Division 2 of this Chapter.

SEC. 8.1-6  BOND. Each applicant, other than a contractor or subcontractor employed by the Town directly, shall file a bond with surety to be approved by the Corporation Counsel conditioned to indemnify the Town for any loss or damage resulting from the work undertaken or the manner of doing same. The amount thereof shall be determined by the Director of Public Works, based upon the estimated cost of completion of the job, including labor, materials, and ten percent additional for unforeseen contingencies.

SEC. 8.1-7  REPAIRS AND RESURFACING: LIABILITY OF ABUTTING OWNER. All improved public ways shall be kept in good repair. Repair work, whether done by the Town or by the abutting owner, shall be done under the supervision of the Director of Public Works. The owners of property abutting sidewalks shall be responsible for the repair and maintenance of such sidewalks. No person owning property abutting a sidewalk shall permit such sidewalk to be in a state of repair endangering the safety of persons passing over the same. In the event a person is injured as a result of lack of maintenance and repair of a sidewalk, the owner of property abutting such sidewalk shall be liable for such injuries.
SEC. 8.1-8 PROHIBITED ACCESS; INJURY TO NEW PAVEMENTS. It shall be unlawful for any person to walk, ride, drive, or in any manner propel any kind of vehicle or piece of machinery over, along, or upon that portion of any street, sidewalk, or other public way place while the same is guarded by a warning sign or barricade, or to knowingly injure any soft or newly-laid pavement.

SEC. 8.1-9 OBSTRUCTION OF OR MERCHANDISE ON PUBLIC RIGHT-OF-WAY.

A. Except as otherwise provided in this Chapter, it shall be unlawful for any person to cause, create, or maintain any obstruction of any sidewalk, street, alley, or other public way; or to place upon, over, or across, or to suspend upon, over, or across any sidewalk, street, alley, or other public way, any vegetables, food products, fruits, berries, produce, or any other articles of merchandise whatsoever for the purpose of storage, exhibition, sale, or offering for sale. For purposes of this Section, the definition of "street" includes and incorporates all that area within the public right-of-way line, including sidewalk, pavement of street right-of-way, parkway (which is defined as all that area within a street right-of-way between a curb and the right-of-way line, or where no curb exists, between the improved street edgeline and the right-of-way line), and any additional land, whether used for the foregoing or other purposes.

B. The provision of sub-section A above shall not apply to any devices commonly known as newspaper boxes or similar devices whereby a person is allowed to remove one (1) or more newspapers or magazines from said device upon depositing therein the purchase price thereof, located on sidewalks provided such devices meet the following standards:

1. Such device shall not stand higher than four (4) feet from the ground nor possess any horizontal dimension in excess of two (2) feet;

2. Such device shall not be located:

   a. In any location in which any part of the device, including any door thereto when opened, extends onto street pavement or leaves less than five (5) continuous feet of sidewalk width or obstructs pedestrian traffic;

   b. Adjacent to any bus stop or any no parking zone anywhere in the Town;

   c. Within fifty (50) feet of any intersection where the presence of such a device obstructs a motorist's view of cross traffic or pedestrians;

   d. Within one (1) foot of any building.
3. Such device shall not be chained to any bench, tree, waste receptacle, traffic signal, traffic control device, traffic sign, traffic light, public utility pole, or fire hydrant.

4. Such device shall contain a name, address, and telephone number of a person to be notified in case of theft, vandalism, non-functional condition of the device, or the device's noncompliance with this Section. (Amended 4/19/76)

C. 1. For purposes of this subsection, the following definitions shall apply:

   a. Basketball goal - a structure consisting of a post or upright, a superstructure, a backboard, a rim, and a (optional) net.

   b. Post or Upright - a rigid, upright member extending vertically from grade level.

   c. Superstructure - a rigid member which firmly attaches the backboard permanently to the post or upright, extending the backboard from the post or upright.

   d. Backboard - a member consisting of a square, rectangular, or semi-oval flat surface permanently attached to the superstructure.

   e. Rim - a piece of iron or other hardened material formed into a circle and permanently attached to the backboard.

   f. Net - a piece of cloth, leather, or chain networking of linear material attached permanently to the rim which allows both the observer and player to determine if the basketball has passed successfully through the rim.

   g. Gutter pan - the portion of the street immediately adjacent to the curb, designed to carry storm water.

2. The provisions of Subsection A above shall not apply to basketball goals maintained on cul-de-sac parkways provided the following standards are met:

   a. Application is made to the Director of Public Works containing the following:

      (1) Signed consent of all persons residing on the cul-de-sac to the placement of a basketball goal on the cul-de-sac parkway.
(2) Agreement by one or more persons to indemnify the Town for any and all claims made directly or indirectly against the Town, its officers, and employees arising in whole or in part from the presence and use of the basketball goal on Town property.

(3) Maintaining on file with the Town a certificate of liability insurance written on an occurrence basis in the amount of at least one million dollar ($1,000,000.00) naming the Town, its officers, and employees as additional insureds.

(4) Agreement by the applicant to remove the basketball goal from Town property within twenty-four (24) hours of Town request.

(5) An agreement that all utilities shall be located by JULIE prior to installing the post(s) or upright(s).

(6) An agreement by one or more persons to indemnify the Town for any property damage or personal injury to the Town or its officers or employees arising in whole or in part from the presence and use of the basketball goal on town property.

(7) A waiver by the owner of the basketball goal of all claims against the Town for damage to such basketball goal by the Town or its officers or employees.

b. Such basketball goal shall not be located:

1. Within ten (10) feet of a fire hydrant.

2. So as to interfere with any existing utilities.

c. Such post or upright shall be no farther than four (4) to six (6) inches from the back of the curb.

d. Such rim shall be no less than ten (10) feet above the gutter pan.

e. All basketball goals must include a superstructure.

f. No concrete shall be used above the surface to secure the basketball goal.

g. No more than one basketball goal shall be permitted on any cul-de-sac.

(Entire Subsection C Added by Ord. 4065, 6/15/92)
D. Outdoor Cafes

1. Definitions: The following words and phrases shall have the meanings respectively ascribed to them when used in this Section:

   a. Food service establishment shall mean any public place which is kept, used, maintained, advertised, and held out to the public as a place where meals are sold and served and where meals are actually and regularly served to the public. A food service establishment shall have seating available for patrons as well as adequate and sanitary kitchen and dining room equipment. A food service establishment must have employed therein a sufficient number and kinds of employees to prepare, cook, and serve full meals for its guests. Food service establishments must keep a record of all food items sold such that a determination that the restaurant is serving meals regularly can be made. The term “Food service establishment” also includes any entity that holds a Class O liquor license under Section 4.10 of the Liquor Code. Food service establishments serving alcohol shall also meet requirements of the Town Liquor Code applicable to such Licensee.

   b. Outdoor café shall mean use of a public sidewalk or plaza area by a food service establishment, for the serving of food and beverages to seated customers.

   c. Plaza area shall mean those public spaces, not including streets or alleys, within the B-2, Central Business Zoning District as designated by the Public Works Director.

   d. Permit area shall mean the sidewalk area designated on the permit specifying the area of operation of the outdoor café.

   e. Permittee shall mean the person or entity operating a food service establishment who has received a permit allowing for the operation of an outdoor café.

2. Permits Required:

   a. It shall be unlawful for any person to operate an outdoor café without an outdoor café permit.

   b. The outdoor café permit shall allow a food service establishment located in the B-2 Central Business Zoning District of the Town to operate an outdoor cafe subject to the requirements of this Section.

   c. Any permit issued pursuant to this Section may contain such written conditions as the Public Works Director, or his designee, deems warranted to protect the use of adjacent right-of-way for its intended purpose or to prevent congestion of vehicular or pedestrian traffic flow and to otherwise carry out the purpose and intent of this Section and this Code.
d. The permit holder shall, as part of the right granted pursuant to the permit, be entitled to remove or exclude persons from the permit area during hours of business operation. Such permittee is authorized to give notice to any such person to prevent such entry.

e. The outdoor café permit shall expire annually on December 31 of each year. There is an annual permit-filing fee of $100.00.

f. Any outdoor café permit shall be subject to suspension or revocation as hereafter provided.

3. Application: Application for an outdoor café permit shall be made on forms supplied by the Town, and submitted to the Public Works Director, together with the annual fee and shall at minimum include the following:

a. The name, address, and telephone number of the owner of the property and the food service establishment related to the permit.

b. A copy of a valid license issued by the McLean County Health Department.

c. A drawing or sketch depicting the dimensions of the proposed permit area and which shows the location and type of tables, chairs, trash receptacles and other equipment proposed to be used, location of ingress and egress, the Town owned equipment facilities in or adjacent to the area proposed which are visible to the eye, including but not limited to parking meters, trees, manhole covers and utility poles or openings.

d. An operations plan specifying the proposed dates, days and hours of operation of the outdoor café, the hours of operation of the adjacent restaurant, scheduled maintenance of the permit area, maximum seating capacity, and method of providing security and maintenance.

e. An original certificate of insurance listing the required coverage amounts and policy periods of the permittee’s general liability policies.

f. An executed waiver of liability in a form approved by the Town Corporation Counsel.

g. Any other information related to the requirements of this chapter that the Public Works Director may require.

h. All Persons, prior to receiving a permit, shall procure and maintain for the duration of the permit, public liability and property damage insurance pertaining to the permit area in a minimum amount of one million dollars ($1,000,000.00.) per person and one million
dollars ($1,000,000.00) in the aggregate per occurrence and property damage in a minimum amount of one million dollars ($1,000,000.00), naming the Town, its officers and employees as additional insured, and the same shall provide that policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days advance written notice to the Town. Proof of such insurance issued by an insurance company licensed to do business in the State of Illinois in the form of a certificate of insurance shall be attached to the application.

4. Application Review:
   a. No permit shall be granted, pursuant to this Section, unless the Finance Director or his designee shall certify that there are no outstanding fines, fees, taxes, or other charges due and owed to the Town by the owners of the real property on which the restaurant is located or the applicant.
   b. All applications for outdoor café permits shall be reviewed by the Town to determine compliance with each of the requirements of this Section.
   c. No permit shall be issued unless the applicant supplies all information required on or by the application form and is in compliance with the regulations contained in this Section.

5. Regulations:
   a. Except as permitted in Paragraph (10), an outdoor café is permitted only on sidewalks or approved plaza areas. The permit area shall be immediately adjacent to the food service establishment requesting the permit, or a sidewalk contiguous to the sidewalk adjacent to the food service establishment.
   b. No permit will be granted if seats or equipment in the outdoor café result in the need for additional restrooms unless such additional restrooms are provided.
   c. The hours when service is permitted at the outdoor café shall be between 6:00 a.m. and 12 a.m.
   d. Any person making use of an outdoor café shall do so in a reasonable manner with due regards for the health and safety of persons and property. Except as permitted in Paragraph (10), no permittee shall make any physical alteration to public property. A permittee shall owe a duty to the Town of Normal and third persons to maintain the permit area in a clean, safe and sanitary condition.
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e. The permittee shall keep the permit area free of litter, cans, bottles, and spills at all times. The permittee shall promptly collect and dispose of all litter, trash and other waste materials associated with the outdoor café, including materials in the adjacent public right-of-way or property originating from the outdoor café. The permittee shall dispose of any such waste in their own trash receptacles only. The permittee shall not dispose of any such waste in public trash receptacles.

f. Upon the expiration or other termination of an outdoor café use permit, the permittee shall immediately remove all tables, chairs, furnishings, equipment and other items of personal property from the permit areas. Any such items remaining upon the public right-of-way after a reasonable opportunity to remove the same may be removed and disposed of by the Town of Normal at the sole cost and expense of the permittee.

g. An outdoor café permit allows for the temporary placement of tables, chairs, furnishings, equipment, and other items of personal property related to the café. Except for plaza areas, and except as set forth in Paragraph (10), all tables and chairs must be portable, meaning that no such furniture shall be chained together or bolted together as a unit or affixed to the outdoor wall or ground surface. In plaza areas, outdoor furniture, tables and chairs, may be secured to one another, however, may not be affixed or bolted to any public property.

h. Umbrellas shall have a maximum diameter of eight (8) feet, a weighted base and be fabric covered. All umbrellas must be made of cloth fabric; vinyl umbrellas are prohibited. Umbrella materials may not have a shiny, synthetic appearance. Signage on umbrellas is prohibited. No lettering, advertising, graphics, and/or logos are allowed on the umbrella face.

i. No signs, banners or other like advertising shall be located in the permit area, except one menu sign not exceeding fifteen (15) square feet in area.

j. Tables, chairs and umbrellas shall be located so that there remains open, at all times, a longitudinal walking space, the location of which shall be determined by the Town, of a minimum of four (4) feet in width, with a cross-slope not to exceed Americans with Disability Act (ADA) requirements.

k. The Public Works Director may promulgate administrative rules, substantially related to the requirements contained in this Section. Such rules shall be attached to the permit and be followed by the permittee.
6. Suspension or Revocation. The use of a public sidewalk as an outdoor café shall be subject to temporary suspension or termination at any time by the Town in the interest of the public health, safety and welfare. To the extent that a permit area is needed by the Town for the purposes for which it was dedicated, or any other public purpose, the Town may immediately terminate the revocable use permit by sending written notices to the permittee and assume full possession and control of the permit area. The permittee shall remove all furniture from the right-of-way within the time specified by the notice. If the furniture is not removed by the permittee, the Town shall be authorized to remove all furniture and other objects of the permittee from the permit area. If such furniture is not reclaimed by the permittee within seven (7) days after removal by the City, the property shall be presumed abandoned and subject to disposal according to law.

7. Public Property. Except as provided in Paragraph (10), the provisions of this Section shall apply only to the locating of outdoor cafes on public property or public right-of-way and shall not apply to any private property.

8. Indemnification; Payments for Cleaning or Damages.
   a. As an express condition of the issuance of the permit, each permittee shall agree in writing to indemnify and hold harmless the Town against all claims liability, loss, injury, death, or damage whatsoever in connection with or arising out of the use of the outdoor café by anyone.
   b. As an express condition of the issuance of the permit, the permittee shall agree to, within seven (7) days after the billing date, pay to the Town all costs associated with damage to the pavement or other Town-owned facilities located in or adjacent to the permit area caused by operation of the food service establishment, or costs to clean or remove trash from the permit area or adjacent premises occasioned by the failure of the permittee to clean or remove such trash.
   c. The Public Works Director is authorized to execute the agreements required in subsections (a) and (b) above after the form thereof has been approved by the Town’s Corporation Counsel.

9. Enforcement:
   a. The Town may inspect the permit area at any time. The Town shall mail or deliver the result of the inspections to the permittee.
   b. Any violation of the provisions of this Section shall be remedied within the time given in the notice or, if not stated in the notice, within seven (7) calendar days from the date of delivery or post-mark on the notice.
c. Any permittee violating or failing to comply with the terms or requirements of this Section shall be subject to the penalty provisions and procedures set forth in this Chapter.

10. On-Street Café Seating Pilot Program.

a. A one-year pilot program is established to allow a food service establishment in the B-2 Central Business Zoning District to operate outdoor seating in the on-street parking spaces in front of the business. The pilot program consists of the business located at 111 W. North Street.

b. The area of the on-street café may not include the portion of any parking space beyond the building line extended. The on-street café may not be located in any loading zone.

c. The on-street café must be located on a platform. The design of the platform must be submitted with the application for the outdoor café.

d. The area for the on-street café must be delineated by fencing anchored to the platform. The fencing must be constructed of a durable material, such as steel, aluminum, or wrought iron; fencing constructed of primarily wood is not allowed, but wood may be incorporated into the fencing design.

e. Planters with flowers or other vegetation are allowed as an alternative to the anchored fencing required under item (d). The design of the planters must be approved by the Uptown Manager, subject to the following limitations:

   (1) The planters must be fastened to the platform;

   (2) The planters may not be less than 27 inches nor more than 36 inches in height, excluding plantings; and

   (3) The planters must be either metal or have a metal frame.

f. The plans for the platform and other components of the on-street café must be submitted with the permit application for the outdoor café under Paragraph 3. The Public Works Director has sole discretion in approving or denying the plans based on his or her determination that:

   (1) The on-street café has appropriate space buffers and other measures to protect public safety;

   (2) The on-street café will not impair drainage or otherwise interfere with the operation of the Town’s right-of-way; and
(3) The application meets all of the other requirements of this Subsection D.

g. If stored outdoors, tables, chairs, and other items must be secured within the anchored fencing at the end of each day’s operation so that they are unusable.

h. The on-street café may not begin before April 1 of each year and must be removed from the public right-of-way on or before October 15 of each year. The Town may require the temporary removal of the on-street café, at the permittee’s expense to accommodate an event on the street permitted by the Town.

i. The Town may terminate the pilot program at any time. There is no guarantee that the Town will continue to authorize on-street cafés. As a condition of the permit, the permittee must sign an acknowledgement complying substantially with the following:

Permittee acknowledges and agrees that: (i) no property right is conferred by this permit for the use of any portion of the public right-of-way; (ii) the Town is not empowered to grant permanent or perpetual use of its right-of-way for private purposes; (iii) the Town may order locations or uses within the right-of-way to cease and desist if, for any reason, the Town determines that the right-of-way is needed for a public use and should be cleared of any and all obstructions and that Permittee is not entitled to any compensation if the Town so determines.

j. All other requirements of this Subsection D apply to on-street cafés.

(Entire Subsection D Added by Ord. No. 5024, 8/1/05)(Amended 05/21/18 by Ord. No. 5739)

E. REMOVAL OF SNOW AND ICE IN THE CENTRAL BUSINESS DISTRICT

1. The following terms, when used in the Section E shall have the meaning provided in this Section:

a. Business Day. The term “business day” means any day not a Sunday or national or state holiday.

b. Business Hours. The term “business hours” means the hours between 10:00 A.M. and 6:00 P.M. on any business day.

c. Central Business District. The term “central business district” refers to that area in the Town of Normal zoned B-2 Central Business District.

d. Occupant. The term “occupant” means any individual, partnership,
corporation, association, governmental entity, or other entity of any description other than the owner having the right to possession of the premises.

e. Owner. The term “owner” means any individual, partnership, corporation, association, governmental entity, or other entity of any description holding legal title to the Premises.

2. Except as provided in subsection (3), every owner and occupant of any building or lot of land within the central business district fronting or abutting on a paved sidewalk shall remove and clear away, or cause to be removed and cleared away, snow and ice from so much of said sidewalk as is in front of or abuts on said building or lot of land within four (4) business hours after the cessation of any fall of snow, sleet or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter.

3. In the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk the person or entity charged with its removal shall, within the time mentioned in subsection (2) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleaned.

4. Owners and occupants of properties in the Central Business District failing to comply with the requirements of Section E shall upon conviction thereof be fined in an amount not less than Twenty-Five ($25.00) nor more than Two Hundred Dollars ($200.00).

(Entire Subsection E Added 2/20/06 by Ord. No. 5055)

F. Bicycles in the Public Right-of-Way. No bicycle or other device propelled by human power for the purpose of conveyance shall be left unattended or chained to any structure, fixture or tree within the public right-of-way, except as follows: at a bike rack or other area or structure designated by the Director of Public Works for the parking of such device, provided, however, such bicycle or device may not remain at said location for a period of time exceeding 24 hours unless such parking area is designated for extended parking. In such case, the bicycle or device may not remain at said location more than 24 hours beyond the extended parking period.

The Public Works Director is hereby authorized to remove any bicycle or other device parked in Town right-of-way in violation of this Section. The Public Works Director shall provide reasonable notice, prior to removal, to the owner of the bicycle or device if ownership information is readily available on the bicycle or device. The Public Works Director shall keep the bicycle or device for at least seven (7) days following removal to allow the true owner to claim the property. After seven (7) days, if no one has claimed the impounded bicycle or device, the Town of Normal may dispose of the property as it deems appropriate.
The owner of the bicycle or device removed by the Public Works Director shall be responsible for all costs incurred by the Public Works Director in removing and storing the property. Such costs shall be ten dollars for removal, and one dollar per day for storage. The Town of Normal is not responsible for any damage caused to the bicycle or device incurred during the removal and storage of the bicycle or device.

The owner of the bicycle or device placed in Town right-of-way in violation of this Section shall be liable for any personal injury or property damage caused, in whole or in part, by the presence of the property in Town right-of-way. 

(Entire Subsection F Added 9/5/2012 by Ord. No. 5453)

SEC. 8.1-10 BARRICADES. Any person, firm, or corporation doing any construction work in a public way, or making an excavation in the same, shall provide traffic control in accordance with the application specifications of the latest edition of the Standard Specifications for Road and Bridge Construction adopted by the State of Illinois and the applicable guidelines contained in the latest edition of the Illinois Manual on Uniform Traffic Control Devices for Streets and Highways; a copy of each is on file with the Town Clerk's office and available for public inspection.
SEC. 8.1-11  DISTURBING BARRICADES. It shall be unlawful to disturb or interfere with any barricades, lights, or other traffic control devices lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley, sidewalk, easement, or other public way.

SEC. 8.1-12  WHEELCHAIR RAMPS. All newly constructed curbs and all existing curbs which are rebuilt or reconstructed in any area of the Town shall be constructed so as to enable persons using wheelchairs to travel freely and without assistance by providing at each crosswalk a ramp with non-slip surface so that the sidewalk and street blend to a common level. Such ramp shall not be less than thirty-two (32) inches wide and shall not have a slope greater than one (1) inch rise per twelve (12) inches length. Where because of surrounding buildings or other restrictions it is impossible to conform the slope with this requirement, the ramp shall contain a slope with as shallow a rise as possible under the circumstances. In all ramps there shall be a gradual rounding at the bottom of the slope.  (Addition by Amendment 1/7/74)

SEC. 8.1-13  PLACEMENT OF MAILBOXES.

A. The placement of mailboxes which are attached to a residence shall be as provided by United States Postal Service regulations.

B. Mailboxes permitted or required to be placed adjacent to a street by United States Postal Service regulations shall comply with said regulations and the following:

1. Mailboxes shall be placed no closer than three inches (3") from the back of the curb and at least forty-two inches (42") above the curb but no more than forty-eight inches (48") above the traveled portion of the street.

2. Mailbox support structures can be no larger than four inches by four inches (4" x 4") or four and one-half inch (4 1/2") diameter wood posts or two inch (2") diameter standards steel or aluminum pipe buried no more than twenty-four inches (24") in the ground.

3. No brick posts, or supporting structures are allowed.

4. Any ornamental designs must have prior approval from the Public Works Director.

C. Damage to or Destruction of Mailboxes. The Town shall not be liable for the repair or replacement of mailboxes damaged by Town vehicles or employees when the mailbox is in violation of this Section. Town liability for repair or replacement of any mailbox is limited to $70. This limitation shall not apply to willful and wanton conduct by Town employees directly causing mailbox damage.  (Amended 1/4/2016 by Ord. No. 5613)

(Entire SEC. 8.1-13 was Amended by Ord. 3981 on 6/17/91)
SEC. 8.1-14  NEWSPAPER DISPENSING DEVICES.

A. Findings and Purpose.

1. The Town Council hereby finds, as follows:
   a. The public right-of-ways historically have been used to circulate newspapers and other publications;
   b. The substantial growth in the number of newspapers and other publications has produced a significant increase in the number of individual newsracks located on public right-of-ways;
   c. The unregulated placement and maintenance of individual newsracks in the public right-of-ways interferes with the free and unimpeded use of such public right-of-ways and threatens the health, safety and welfare of persons who use the public right-of-ways, including pedestrians, children, the aged, persons entering and leaving vehicles and buildings, drivers, persons performing essential utility, traffic control and emergency services, and persons with disabilities; and
   d. The unregulated placement of multi-colored, broken, rusted, and abandoned individual newsracks of various shapes and sizes in the public right-of-ways significantly detracts from the aesthetic character of surrounding areas.

2. Based on the conditions described above, the Town Council further finds that there is a need for reasonable time, place and manner restrictions regarding the installation, placement, size, appearance, and maintenance of newsracks in the public right-of-ways, including the creation of a Modular Newsrack District. Consistent with these findings, it is the purpose of this Section to promote the health and safety of users of the public right-of-ways and to enhance the aesthetics of the Town in a manner which may utilize newsracks as a method of distribution of newspapers and other publications, so as to do the following:
   a. Provide for pedestrian and driving safety and convenience;
   b. Restrict unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress and egress from any residence or place of business, or from the street to the sidewalk by persons existing or entering parked or standing vehicles;
   c. Provide for the safety of the public and property during windstorms and other inclement weather;
d. Replace, remove, or relocate individual newsracks that have created visual blight on the public right-of-ways or unreasonably detracted from the aesthetics of adjacent businesses, landscaping, and other improvements;

e. Maintain and protect the values of surrounding properties; and

f. Reduce unnecessary exposure of the public to personal injury and property damage.

B. Definitions. The following words, terms and phrases, when used in this Section shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Abandoned. Any newspaper dispensing device or any compartment of a modular newsrack, that does not contain the newspaper or other publication specified therefore for more than eight consecutive days for a daily publication, twelve consecutive days for a weekly publication, twenty consecutive days for a bi-weekly publication, 36 days for a monthly publication, or 70 days for a bi-monthly publication.

Compartment. The individual space within a modular newsrack that dispenses one newspaper or other publication, including the door, coin return mechanism, and associated hardware.

Modular Newsrack. A newspaper dispensing device that is designed with multiple separate enclosed compartments to accommodate at any one time the display, sale or distribution of multiple distinct and separate newspapers or other publications.

Modular Newsrack District. That portion of the Town designed as the Central Business District in the Town’s Zoning Ordinance.

Newspapers and Other Publications. Includes newspapers, periodicals, advertising circulars, and all other printed materials that may be distributed through the use of newsracks.

Newspaper Dispensing Device Commissioner. The Director of Public Works or his designee.

Newspaper Dispensing Device. Any unmanned, self-service or coin-operated box, container, storage unit, or other dispenser located in or upon, or projecting onto, into, or over, any part of the public right-of-ways and which is installed, used or maintained for the display, sale, or distribution of newspapers and other publications.

Public Right-of-Way. All right-of-ways dedicated to or owned by the Town and includes, but is not limited to, public streets, alleys, sidewalks, parkways, or easements.
Publisher. The person or other legal entity selling, displaying or distributing newspapers or other publications in a newspaper dispensing device.

C. Newspaper Dispensing Device Commissioner. The Newspaper Dispensing Device Commissioner shall have the following powers and duties:

1. To administer and rule upon the application for, and the issuance, renewal, suspension, denial, and revocation of Newspaper Dispensing Device Permits as set forth in this Section.

2. To conduct or provide for such inspections of newspaper dispensing devices as shall be necessary to determine and ensure compliance with the provisions of this Section and other applicable provisions of law.

3. To take such further actions as the Newspaper Dispensing Device Commissioner shall deem necessary to carry out the purposes and intent of this SEC. 8.1-14 and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this Section.

D. Newspaper Dispensing Devices; Generally.

1. Newspaper Dispensing Device Permit Required. A Newspaper Dispensing Device Permit shall be required to establish, operate, or maintain a newspaper dispensing device within the Town.

2. Operation Without Permit Prohibited. It shall be unlawful for any person not having a current and valid Newspaper Dispensing Device Permit to establish, operate, or maintain a newspaper dispensing device on public property within the Town at any time after the effective date of this Section.

3. Operation in Violation of Permit Prohibited. It shall be unlawful for any Licensee to establish, operate, or maintain a newspaper dispensing device on the public property within the Town except in the manner authorized by, and in compliance with, the provisions of this Section and by the Licensee’s Newspaper Dispensing Device Permit.

E. Newspaper Dispensing Devices; Application and Permit.

1. Applications for a permit under this Section shall be made on forms provided by the Newspaper Dispensing Device Commissioner for permits allowing for the installation and placement of newspaper dispensing devices within the public right-of-way, along the streets, thoroughfares, parkways, and sidewalks within the Town. The Applications shall be provided by the Newspaper Dispensing Device Commissioner immediately upon request. The Application must include a site plan and must expressly state the exact location where the applicant wishes to install a newspaper dispensing device. The application must also include a description of and the specification for the intended newspaper dispensing device.
2. Within five (5) business days of receipt of an application for a permit under this Section, the Newspaper Dispensing Device Commissioner shall grant the application and issue the permit provided that the conditions contained in SEC. 8.1-14(F) are, where applicable, complied with. If the terms and conditions contained in SEC. 8.1-14(F) are not complied with, the Newspaper Dispensing Device Commissioner shall, within five (5) business days of receipt of the application for a permit, deny the application, and state the reasons in writing for such denial.

3. A permit granted hereunder shall apply only to the location provided for in the permit, and no newspaper dispensing device permitted hereunder shall be relocated without application for and issuance of a new permit.

F. Newspaper Dispensing Device Permit Conditions. No newspaper dispensing device, other than modular newsracks, shall be placed on public right-of-way within the Modular Newsrack District. A Town permit allowing the placement of privately owned newspaper dispensing devices on public right-of-way outside the Modular Newsrack District shall be subject to and granted upon the following conditions, restrictions and requirements:

1. Newspaper dispensing devices shall be placed adjacent and parallel to building walls not more than six inches distant therefrom, or near and parallel to the curb not less than 24 inches distant from the curb.

2. No newspaper dispensing device shall be placed, installed, located, used, or maintained:
   a. Within three feet of any fire hydrant or other emergency facility.
   b. Within ten feet of any intersecting driveway, alley, or street.
   c. Within three feet of any marked crosswalk.
   d. At any location where the width of paved clear space in any direction for the passage of pedestrians is reduced to less than five feet.
   e. So as to be chained or otherwise secured to any tree, utility pole, light pole, parking meter, traffic control post, street signpost, or other public property.
   f. On or within any median within any public right-of-way.
   g. So as to project into any part of the public right-of-way or along the street, thoroughfares, parkways, and sidewalks within the Town, unless authorized by a properly issued Town permit.
   h. Within three feet of any display window of any building abutting the sidewalk or parkway, or in such manner as to impede or interfere with the reasonable use of such window for display purposes.
i. On any handicapped access ramp.

3. The permittee shall maintain the device in good working order, in a safe and clean condition, in such a manner that:

   a. It is reasonably free of dirt and grease;

   b. It is reasonably free of chipped, faded, peeling, and cracked paint in the visible painted areas thereof;

   c. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon;

   d. The clean plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes, and discoloration;

   e. The paper or cardboard parts of inserts thereof are reasonably free of tears, peeling or fading;

   f. The structural parts thereof are not broken or unduly disfigured;

   g. The device shall display a telephone number for refund in case of malfunctioning of the device; or

   h. No newsrack shall exceed five (5) feet in height, thirty (30) inches in width, or two (2) feet in thickness.

4. The permittee shall not use a newspaper dispensing device for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the materials sold therein.

5. A permit shall allow the installation of a newspaper dispensing device only at the exact location described in the application for the permit. The permit shall contain a description of the authorized location. Permits shall not be transferable from one location to another.

6. The permittee, upon removal of the dispensing device, shall restore the property of the Town to the same condition as when the device was initially installed, ordinary wear and tear expected.

7. As an express condition of the acceptance of a permit hereunder, the permittee agrees to indemnify and hold harmless the Town, its officials, both elected and appointed, and its employees and agents against any loss or liability or damage, including expenses and costs for bodily or personal injury and for property damage sustained by any person as the result of the negligent installation, use or maintenance of a newspaper dispensing device within the Town.
G. Provisions of Modular Newsracks. The Town shall provide for the placement of modular newsracks on public right-of-ways in the Modular Newsrack District. The Publisher shall have access to the modular newsrack compartment for the vending of the Publisher’s publications.

1. The modular newsracks shall be purchased by the Town and maintained by the Town.

2. After the initial installation of modular newsracks, the total number of compartments in the modular newsracks in the Modular Newsrack District may be increased or decreased only consistent with the purposes stated in this Section. Modular newsracks shall be placed in locations determined by the Town throughout the district which afford easy, convenient service to pedestrians but which do not obstruct or interfere with access to abutting properties and which do not impede or endanger pedestrian, bicycle or vehicle traffic. Any publication may petition the Town for placement of a modular newsrack at a specific location within the Modular Newsrack District. The Newspaper Dispensing Device Commissioner shall review each petition and determine whether such location is warranted.

3. There shall be no newspaper dispensing devices of any type located within the Modular Newsrack District except as part of a Town-provided modular newsrack. All existing newspaper dispensing devices shall be removed from the Modular Newsrack District within fourteen days after placement of the modular newsrack. Any newspaper dispensing device not so removed or otherwise placed in violation of this Section shall be subject to confiscation by the Town.

H. Allocation of Modular Newsrack Compartments. The Town shall ensure that modular newsrack compartments are allocated in accordance with the following procedures:

1. Each compartment in a modular newsrack shall contain copies of only one newspaper or other publication and have a door that is sized to fit and display such newspaper or other publication.

2. The Town shall ensure that there are enough compartments in each modular newsrack to accommodate all publishers who initially wish to distribute their newspapers and other publications at that location, up to a maximum of 16 compartments per newsrack in the Modular Newsrack District. If more than 16 publishers wish to distribute newspapers or other publications at that location, then the compartments shall be allocated as follows:

   a. Priority shall be given to publishers who continuously have distributed newspapers or other publications in newsracks at that location for more than 12 months before the effective date of this ordinance, as indicated by the publisher’s affidavit provided to the Town;
b. Among publishers who have priority under this Subsection, compartments will be allocated first to newspapers and other publications issued at least five days per week, second to newspapers and other publications issued between two and four days per week, third to newspapers and other publications issued once a week, and fourth to newspapers and other publications issued less frequently;

c. If there are more compartments than publishers with priority under this Section, then the Town shall allocate the remaining compartments among publishers who do not have priority, first to newspapers and other publications issued at least five days per week, second to newspapers and other publications issued between two and four days per week, third to newspapers and other publications issued once a week, and fourth to newspapers and other publications issued less frequently.

d. Notwithstanding the requirements of this Subsection, no newspaper or other publication may receive a second space in a modular newsrack until all other interested publishers have had the opportunity to have their newspaper or other publication allocated to a compartment.

e. Whenever additional compartments become available, they shall be allocated in the manner described in this Subsection; and,

f. In the event two or more publishers have equal priority under this Subsection, then allocation shall be by lottery or other random method.

3. For initial assignment of newsrack space, the Town shall notify all publishers who currently distribute their newspapers and publications at each location where the Town is installing a modular newsrack. Such notification shall, at a minimum, consist of a copy of the Town’s Application for Modular Newsrack Space. On the application, each publisher shall include the number of compartments and the locations it is seeking. All applications shall be returned to the Newspaper Dispensing Device Commissioner, who shall ensure that compartments are allocated in accordance with the procedure set forth above.

4. After the initial assignment of newsrack space, any publisher seeking to place its publication within the Modular Newsrack District must fill out an Application for Modular Newsrack Space and submit it to the Newspaper Dispensing Device Commissioner who shall ensure that compartments are allocated in accordance with the procedure set forth above.

5. The opportunity of publishers to have their newspapers or other publications distributed from a modular newsrack shall not be affected whatsoever by their content, consistent with the First Amendment to the United States Constitution.
I. Appeal of Denial Permits. The decision of the Newspaper Dispensing Device Commissioner in refusing to grant a permit under this Section shall be appealable. The applicant shall have the right to appeal the decision to the City Manager, provided that the applicant files a written notice of appeal, including a statement of the grounds of appeal, with the Newspaper Dispensing Device Commissioner within fifteen (15) calendar days after notice of the decision of the Newspaper Dispensing Device Commissioner. The City Manager shall set a hearing on the appeal, and notice of such time and place shall be given in the same manner as specified in this Section. The City Manager shall have the power to reverse, affirm or modify the decision of the Newspaper Dispensing Device Commissioner. In making his determination, the City Manager shall only consider the standards set forth in this Section. His decision shall be rendered the same day as the hearing. The decision of the City Manager shall be final.

J. Emergency. Notwithstanding any other provision of this Section, however, the Town may remove any newspaper dispensing device from public property which, because of its location or condition, poses an immediate threat to the health, safety and welfare of the public or a member thereof. The Newspaper Dispensing Device Commissioner shall send by certified mail with return receipt requested a written notice to the address of the owner or user of the newspaper dispensing device. The notice shall state the address and telephone number of the Newspaper Dispensing Device Commissioner and a description of why the newspaper dispensing device was removed. The owner may request a hearing before the City Manager by filing a written appeal with the Newspaper Dispensing Device Commissioner. In this event, a hearing shall be held, according to SEC. 8.1-14(L), for the purpose of determining whether there is a continued need for the removal.

K. Revocation of Permits. The Newspaper Dispensing Device Commissioner shall revoke any permit issued under the terms of this Section after a finding of any of the following causes which shall constitute violations of this Section:

1. Fraud, misrepresentation, or any false statement contained in the application for a permit;

2. Violation of any term of the permit granted to the permittee;

3. Violation of any term of this Section.

L. Removal of newspaper Dispensing Devices.

1. If any newspaper dispensing device is placed or remains within any public right-of-way, street, thoroughfare, parkway, or sidewalk without a permit therefor being issued, or after the expiration or revocation of a previously issued permit, or is deemed abandoned or unclaimed, or in violation of any other provision of this Section, the Newspaper Dispensing Device Commissioner shall send by certified mail with return receipt requested a written notice to the address of the owner or user of the newspaper dispensing device. The notice shall state the address and telephone number of the Newspaper Dispensing Device Commissioner; a description of why
the newspaper dispensing device is in violation of the requirement of this Section; that the owner or user is ordered to cause immediate removal of the newspaper dispensing device from the public property; and that the newspaper dispensing device shall be removed by the Town after a date designated by the notice. The date shall be no less than ten (10) calendar days after the date the notice is mailed or first posted, as the case may be, unless the owner or user requests a hearing before the City Manager by filing a written appeal with the Newspaper Dispensing Device Commissioner on or before the designed removal date.

2. When any appeal is filed pursuant to this Section, the City Manager shall set a hearing on the appeal, and a notice of such time and place shall be given in the manner as specified in this Section. In making his determination, the City Manager shall only consider the standards set forth in this Section. His decision shall be rendered on the same day as the hearing. The decision of the City Manager shall be final.

3. If any newspaper dispensing device is still on public property after the ten (10) day period described in Subsection (1) of this Subsection, or if any appeal is made and denied after a hearing before the City Manager, the Newspaper Dispensing Device Commissioner shall cause removal of the newspaper dispensing device.

4. The owner of any newspaper dispensing device removed in accordance with the terms of this Section shall be responsible for all the expenses of the removal, storage and disposal of such newspaper dispensing device. Should the newspaper dispensing device or materials fail to be claimed, or should the owner fail to pay any money due the Town within a period no less than sixty (60) days after the removal of the newspaper dispensing device, such newspaper dispensing device or materials shall be unclaimed property and should become property of the Town.

M. Penalties. Any person or entity who shall be guilty of a violation of any of the provisions of this Section shall be subject to a fine of not less than seventy-five dollars ($75.00) and not more than seven hundred fifty dollars ($750.00). A separate offense shall be deemed committed for every day a violation continues.

N. Severability. If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Section.

(Entire Section 14 Added 5/18/09 by Ord. No. 5259)
DIVISION 2 - EXCAVATIONS

SEC. 8.2-1 PERMIT REQUIRED. Any person, firm, or corporation desiring to make any excavation in, on, or under any sidewalk, street, alley, or other public way, whether owned by the Town in fee, by easement or otherwise, shall first complete an application on forms available from the office of the Director of Public Works and shall file such completed application in the Director of Public Works office.

No person shall injure or tear up any pavement, sidewalk, or crosswalk, public way or any part thereof, dig any hole, ditch, or drain, or dig or remove any sod, stone, earth, sand, or gravel from, or dig, place, or construct any tunnel or drive, or bore for any pipe conduit, wire main or shaft in or under, any street, alley, sidewalk, or other public way in the Town, without having first obtained written permission from the Department of Public Works, given in accordance with the provisions of this Code or other ordinances of the Town.

SEC. 8.2-2 PERMIT FEE. For each and every permit issued for an excavation in any public right-of-way or public way there shall be collected a fee of ten dollars ($10.00).

SEC. 8.2-3 SECURITY REQUESTED. Before a permit shall be granted to any person to open any pavement, improved roadway, sidewalk, or alley, or excavate for any purpose any public right-of-way or public way other than a Subdivider who currently has a valid Subdivision Bond posted with the Town, said person shall place a cash deposit or performance bond, with the Town of Normal in the office of its Treasurer to cover the estimated cost of restoring said pavement, improved roadway, sidewalk, alley, or right-of-way, to as good a condition as before it shall have been so opened, with an additional sum as a margin for unforeseen costs and damages, all as determined by the Director of Public Works. The estimated cost determined by the Director shall include the excavated materials after the person obtaining the permit has removed the pavement, sidewalk, or other improvement and made the excavation; backfilling all excavated areas; and restoring the pavement, improved roadway, sidewalk, or alley to its original condition. When the excavation has been made and any utility involved has been connected and inspected, the person making the excavation shall notify the Director of Public Works to inspect the work done.

The cash deposit or Performance Bond shall be held by the Town as security until the Director of Public Works or Town Engineer certifies in writing that the work and restoration required under the permit have been completed and inspected. Upon receipt of said certification, and waivers of lien from all contractors and subcontractors who furnished labor or materials, the Treasurer shall refund the deposit less any amount thereof expended by the Town due to failure to promptly perform and complete restoration as required, and less inspection cost. (Amended 9/19/83)
SEC. 8.2-4 BOND OR INSURANCE POLICY REQUIRED. No permit shall be issued to any person permitting or allowing the obstruction, tearing up, removing, or repairing of any sidewalk, street, alley, other public place, or any part thereof, until the person making application for such permit shall have executed to the Town a good and sufficient bond in the amount of one hundred thousand dollars ($100,000.00) with sureties to be approved by the Corporation Counsel, or filed evidence of general liability insurance in the amount of one hundred thousand dollars ($100,000.00) aggregate naming the Town as an additional insured. Provided however, the Public Works Director may require a bond or insurance in additional amounts where in his opinion the size, extent, location, or nature of the project involves greater risk or liability to the Town.

The condition of the bond shall be such as to indemnify, save, and keep harmless the Town from any and all loss, cost, damage, expense, or liability of any kind whatsoever, which the Town may suffer or which may be recovered against the Town from or on account of the issuance of the permit to obstruct, tear up, remove, or repair any sidewalk, street, alley, other public way or part thereof, and from or on account of any act or thing done by the permittee or permitted by the permittee, and from or on account of any negligence or omission of the permittee in the obstruction, tearing up, removal, or repairing of any sidewalk, street, alley, other public way or part thereof.

SEC. 8.2-5 DIRECTOR OF PUBLIC WORKS TO BE ADVISED OF TIME, PLACE, AND TYPE OF OPENING. The Director of Public Works shall not issue any permit for the opening of any street, alley, or public way by any person until the Director shall have been fully advised of the time, place, and the type of such opening and the purpose thereof.

SEC. 8.2-6 APPLICATION FOR PERMIT TO BE ACCOMPANIED BY PLAT OR SKETCH. All applications for permits under this Division shall be accompanied by a plat or pencil tracing or sketch showing the location, character, and dimensions of the proposed opening for the installation of new work or the location and character of the alternatives involving changes in the location of pipes, conduits, wires, or conductors, and submission of specifications for the installation.

SEC. 8.2-7 SUPERVISION AND INSPECTION OF WORK. All work done under the authority of a permit under the provisions of this Division shall be supervised and inspected by a Town Inspector to be designated by the Director of Public Works. Such supervision and inspection shall be done at the sole expense of the person securing such permit.
DIVISION 3 - CURB CUTS AND ACCESS WAYS

SEC. 8.3-1 PROHIBITED ACTIVITIES.

A. Breaking Curb or Gutter. No person, firm, or corporation shall hereafter break or cut away any portion of any curb or gutter now or hereafter laid or established on any street, alley, or public way without first securing a "Curb Cut Permit" authorizing such construction, and all such construction shall be done in a manner so as to meet the standards specified in this Division.

B. Establishing New Access Ways. No person, firm, or corporation shall establish or create a new access way from the surface portion of a street, alley, or public way to adjoining property without first securing a "Curb Cut Permit" authorizing the establishment of such an access way, and all such ways shall be constructed in a manner so as to meet the standards specified in this Division.

C. Duplicate Permits Not Required. A single curb cut permit may authorize the building of the curb and the creation of a new access way.

D. Curb cuts for sump pump discharge are prohibited.

SEC. 8.3-2 PERMIT.

A. Procedure. Any person, firm, or corporation desiring to break any curb or gutter or establish a new access way shall first complete a Curb Cut Application on forms available from the Director of Public Works and shall file such completed Curb Cut Application in the Director of Public Works’ office.

Before a permit will be issued for any curb cut or access way onto a State right-of-way, a copy of an approved permit from the State of Illinois Department of Transportation shall be submitted to the Director of Public Works. (Added 12/18/78)

B. Fee.

1. Applications for curb cut permits serving property zoned agricultural, single family residential, two-family residential, or multiple family shall be accompanied by a filing fee and inspection fee of ten dollars ($10.00). (Amended 12/17/78)

2. Applications for curb cut permits serving property otherwise zoned shall be accompanied by a filing an inspection fee of fifteen dollars ($15.00). (Amended 12/18/78)
SEC. 8.3-3 STANDARDS.

A. General Location. Based on the street classification included in the transportation element of the Comprehensive Plan of the Town of Normal, curb cuts or access ways shall be permitted in the following locations:

1. On major or collector streets, no curb cut, access way, or portion thereof shall be permitted within sixty-four (64) feet of the right-of-way line of any intersecting major or collector street;

2. On major, collector, or minor streets, no curb cut, access way, or portion thereof shall be permitted within twenty-four (24) feet of the right-of-way line of any intersecting minor street;

3. On minor streets, no curb cut, access way, or portion thereof shall be permitted within twenty-four (24) feet of the right-of-way of any intersecting major or collector street. (Amended 12/17/78)

4. Waivers. The Director of the Department of Public Works may grant a waiver to the requirements imposed in subsections A(1), A(2), and A(3) of this Section where adequate protection to the public safety can be provided and where the resulting curb cut is at least seventy-four (74) feet from the back of the curb on major and collector streets, and thirty (30) feet from the back of the curb on minor streets, and where one (1) or more of the following conditions exist:
   a. Where road right-of-way has been dedicated to the Town exceeding that required by the Town Subdivision Code;
   b. Where a lot platted prior to December 20, 1978, has no access to a public road, except a curb cut be granted within the setback ordinance established by this Section. (Sub-paragraph 4 added by Ord. No. 3373, 2/18/85)

B. Width, Number, and Separation.

1. Residential - Major and Collector Streets. Curb cuts or access ways for driveways serving agricultural, single-family, duplex, or multiple family uses or where no use is proposed in areas zoned agricultural, single-family, two-family, or multiple family shall conform with the following widths and shall conform to the details in Figures 1, 2, 3, 6, 7, and 8:
   a. Minimum - twenty (20) feet.
   b. Maximum - thirty (30) feet.
2. **Residential - Minor Streets.** Curb cuts or access ways for driveways serving agricultural, single-family, duplex, or multiple family uses or where no use is proposed in areas zoned agricultural, single-family, two-family, or multiple family shall conform to the following widths and shall conform to the details in Figures 1, 2, 3, 6, 7, and 8:

   a. **Minimum - sixteen (16) feet.**

   b. **Maximum - thirty (30) feet.**

3. **Other.** Curb cuts and access ways to commercial, office, institutional, business, manufacturing, and any other uses or where the use is unknown in areas zoned commercial, business, institutional, office, or manufacturing, shall conform to the requirements for the above uses, as specified in Figures 6 and 7 of the IDOT policy on Permits for Access Driveways to State Highways, the latest edition of which is incorporated herein by reference and on file in the office of the Town Clerk. (Amended 6/1/81)

4. **Waivers.** Where conformance with the width requirements of the Section would, in the determination of the Director of Public Works, work an unreasonable hardship on the property owner involved and which adequate protection to the public safety can otherwise be provided, the Director may increase the maximum width or decrease the minimum width requirements by an amount not to exceed fifty percent (50%) of the width specified.

5. **Common Drives Prohibited.** Common curb cuts and access ways are prohibited. In order to promote public safety, the Public Works Director may grant a waiver to this section for all zoning districts except the residential districts.

6. **Minimum Distance from Side Property Line.** No part of a curb cut or access way shall be located within three (3) feet of a side property line, except:

   a. Where there existed prior to May 1, 1980, an accessway which is not hard surfaced, said accessway may be hard surfaced over the same area as presently exists provided all of the other requirements of this Division are met; or

   b. Where there existed prior to May 1, 1980, a lot with a structure on it without a driveway, then the three (3) foot minimum distance from a side property line may be reduced to one (1) foot if in the opinion of the Director of Public Works or his designee, there is no place for the curb cut to be installed. (Amended 4/21/80)

   c. Driveways located within three (3) feet of property line may have a curb cut or accessway within one (1) foot of the property line.
7. **Residential Exception.** Curb cuts for residential uses shall be limited to one per use except:
   
a. For circle driveways (See Figure 3);
   
b. Where one way traffic is to be utilized. *(Added by Ord. 1944 - 4/21/80)*

C. **Supplemental Standards.**

1. The Director of Public Works shall not issue any permit under this Division for any private access way or for the breaking or removing of any curb where the proposed opening would create an unnecessary hazard to pedestrians or create a traffic hazard.

2. Except as otherwise provided herein, the Town of Normal hereby adopts the standards of the Bureau of Traffic, Department of Transportation of the State of Illinois, as now or hereafter amended, which said standards are available for public inspection in the Office of the Municipal Clerk.

3. Where a Town project involves constructing a new curb and a request is made for a curb cut permit and no hard surfaced driveway is in existence adjacent to the location of the curb cut, before the curb cut permit is issued, the applicant shall post an escrow in cash or certified check to insure that sixty (60) days from the date the curb cut is made that the new hard-surfaced driveway shall be installed.

   Said escrow, equal to the amount of the cost to recurb the area requested in the permit, shall be forfeited to the Town if the hard surfaced driveway is not installed within the sixty (60) day time period. *(Added by Ord. 1944 - 4/21/80)*

4. Where an owner of property has the option of selecting one of several streets on which to request a curb cut, the owner of such property must take the permitted curb cut off a street that is classified minor. If none of the streets are classified minor, the curb cut must be taken off a street that is classified Collector. If none of the streets are classified minor or Collector, the curb cut may be taken off of a street that is classified Major. In order to promote the public safety and general welfare, the Public Works Director may grant waivers to this subsection. *(Added by Ord. 3213 - 6/6/83)*

SEC. 8.3-4 **ACCESS WAY PAVEMENT, TURNING RADIUSES, AND CURB REPLACEMENT.**

A. **Construction Standards.**
1. **Materials.** All access ways and curb cuts shall be constructed of Portland Cement Concrete (PCC) in accordance with Section 408-Portland Cement Concrete Pavement and Section 623-Portland Cement Concrete Driveway Pavement of the Standard-Specifications for Road and Bridge Construction, latest edition, except the Public Works Director may waive this requirement where construction in the public way is reasonably foreseeable, or if the access way is from a non-concrete street. All concrete shall have six (6) bags of Portland Cement per cubic yard of concrete with a minimum of 3,500 pounds per square inch when tested at 14 days. In addition, all access ways and curb cuts shall meet the following standards:

   a. **Single and Two-Family Uses.** The Portland Cement Concrete access way to single or two-family uses or where no use is known or proposed in single and two-family zoning districts shall have a minimum thickness of six (6) inches. The existing sidewalk crossing the access way need not be removed; however, if it is removed, it must be removed to the nearest contraction joint outside the access way and replaced with concrete of the same thickness as the access way.

   b. **To All Other Uses.** Portland Cement Concrete access ways to all other uses and in all other zoning districts shall have a minimum thickness of six (6) inches. The existing sidewalk crossing the access way shall be removed to the nearest contraction joint outside the access way and replaced with concrete of the same thickness as the access way.

2. **Procedures.** For agricultural and residential uses, the existing curb may be saw cut as shown in Figure 6 and removed. The new depressed curb must be placed in a workman-like manner as shown in Figure 6. If only the riser portion of the curb is removed, an expansion joint shall only be constructed between the sidewalk and the access way. For all uses except agricultural and residential, the entire curb and gutter shall be removed and replaced. The depressed curb and gutter replacement shall be a separate placement of concrete from the access way placement of concrete and there shall be an expansion joint separating the two placements. A second expansion joint shall be constructed between the sidewalk and the access way. The saw cut method as shown in Figure 6 can be used in lieu of complete removal and replacement at the discretion of the Public Works Director. (Amended 7/20/92 by Ord. 4072)

B. **Gutters and Culverts.** Where no curb break is necessary and access ways are proposed, either a concrete gutter or culvert pipe shall be constructed in the manner shown in Figures 7 and 8. The maximum length of said culvert or gutter pipe shall be the same as the authorized curb cut, and the minimum size shall be fifteen (15) inches. (Amended 12/18/78)
SEC. 8.3-5  INSPECTIONS. Any person, firm, or corporation installing an access way through a curb break shall notify the Director of Public Works not less than twenty-four (24) hours prior to the placing of concrete on improved streets, so that the form inspection can be performed prior to the pouring of the concrete. An additional inspection shall be made after pouring of the concrete to insure conformance with the provisions of this Division.

SEC. 8.3-6  ILLUSTRATIVE FIGURES. See following figures.
(Entire Division 3 of Chapter 8 Amended 3/2/76)(Figure 6 Amended 7/20/92 by Ord. 4072)
GREATER THAN 36 FEET.

(Added 12/16/76)
36 FEET. OR LESS

32 MAX.

GREATER THAN 36 FEET

40 MAX.

(Added 12/13/78)
When the island between drives is less than 25 feet long or less than 10 feet wide, it shall be defined by curbs, masonry, or other devices.

* 45° min. angle permitted only for one-way driveways.
60° min. angle for two-way driveways.

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When 440 feet shall be maintained between center lines of adjacent driveways.

* 45° min. angle permitted only for one-way driveways.
60° min. angle for two-way driveways.
NO SCALE

NOTES

USE CLASS "X" CONCRETE IN ACCORDANCE WITH SEC. 504, STATE OF ILLINOIS STANDARD SPECIFICATION.
6 SACKS PORTLAND CEMENT/CUBIC YD.
3" TO 5" SLUMP
3500 psi COMPRESSION STRENGTH IN 14 DAYS

EXISTING CURB OPINIONS NO LONGER IN USE MUST BE REMOVED AND NEW CURB REPLACED. CONSTRUCT WITHOUT LAYDOWN ACCORDING TO THESE DRAWINGS AND SPECIFICATIONS. EXPANSION JOINT MAY BE REQUIRED.

TOWN OF NORMAL ENGINEERING DEPT.
NORMAL, ILLINOIS

RESIDENTIAL DRIVEWAY APPROACHES

Sheet 1 of 1

Prepared by TOWN OF NORMAL engineering department

Project No. 01-12-9001
TYPICAL CROSS SECTION WITH SHALLOW DITCH

FIGURE 7
DIVISION 4 - CLOSURE PERMIT

SEC. 8.4-1 PERMIT REQUIRED. No person shall organize, produce, direct, conduct, manage, institute, carry-on, promote, advertise, encourage, or participate in any activity which causes an obstruction or interference with the customary uses of a public way without first securing a Specific Events Permit from the Chief of Police or a Closure Permit from the Public Works Director. This Division shall not apply to temporary blockage of streets for which Town approval is required pursuant to Division 5 of this Chapter.

SEC. 8.4-2 DEFINITIONS. As used in this Division, the following terms have the following definitions:

A. Specific Events Permit shall mean the procedures, terms, and conditions for issuance, use, suspension, or revocation of a Special Event Permit as provided in Division 10 of Chapter 23 of this Code.

B. Closure Permit shall mean the procedures, terms, and conditions for issuance, use, suspension, or revocation of a Closure Permit as provided by this Division.

C. Obstruction or Interference shall mean any activity which blocks, hinders, or disrupts the customary flow of motorized vehicular traffic on public streets, or the customary flow of pedestrian traffic on sidewalks.

SEC. 8.4-3 CLOSURE PERMIT. An application for a Closure Permit shall be filed with the Public Works Director not less than three (3) working days before the date proposed for closing or obstructing a public way. Such application shall be signed by the applicant or by an authorized representative of the group seeking the permit on forms provided by the Town and shall contain the following:

A. The name, address, and telephone number of the person seeking to close or obstruct the public way.

B. If the closure or obstruction is proposed to be conducted for or on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization.

C. The name, address, and telephone number of the person who will be the chairperson or local contact person for the proposed activity.

D. The date when the activity is to be conducted.

E. Whether or not the proposed activity is for profit.

F. The approximate number of persons and vehicles, if any, attending the activity.
G. The date and hours when the activity will start and terminate.

H. A statement as to whether the activity will occupy all or only a portion of a public way.

I. The location of public ways for the activity.

J. The time which participants of the activity will begin to assemble.

K. Whether or not any barricades are requested.

L. Whether or not any police assistance is requested.

M. Whether or not amplified sound will be used.

N. A brief description of the activity.

O. If a street is closed, whether or not all persons abutting said street have been notified of the activity.

P. Whether or not a fee will be charged for the activity.

Q. Whether or not alcoholic liquor will be available at the activity. If so, a general statement detailing control and use of alcoholic liquor.

SEC. 8.4-4 CONDITIONS PRECEDING. The Public Works Director shall require from the applicant an agreement to compensate the Town for loss or damage to public property and the deposit of a surety or cash bond in the amount of one hundred dollars ($100.00) to guarantee the clean up of the site and the removal of any debris left as a result of the holding of the activity. The applicant shall also indemnify and hold the Town harmless on account of any and all claims, suits, losses, damages, costs, attorney fees and expenses which the Town may in any manner suffer, incur, be put to, pay, or lay out by reason of issuance of a permit pursuant to this Division or by reason of activities conducted by the applicant or persons attending the activities conducted by the applicant or by other third parties injured as a result of activities conducted by the applicant or persons attending the activity.

SEC. 8.4-5 ISSUANCE OR DENIAL OF A PERMIT.

A. The Public Works Director shall issue or deny the permit within two (2) working days after receiving an application.

B. The Public Works Director shall issue a permit, provided:

   1. The application is on the form provided and contains the required information.
2. The application for a permit does not contain any false, misleading, or fraudulent statement of material fact.

3. The applicant has met the requirements of SEC. 8.4-4.

4. The proposed activity is not contrary to law.

5. The proposed activity will not unreasonably interfere with the preservation of the public peace, health, safety, or welfare.

6. The applicant agrees to abide by and comply with all conditions and regulations attendant upon issuance of the permit.

7. All necessary state highway closure requirements have been met.

C. The Public Works Director may impose reasonable terms and regulations concerning the time and place of the activity, the maximum number of persons or units participating therein, the regulation of traffic, the number and type of signs and barricades to be provided by the applicant, and such other requirements as the Public Works Director may find reasonable and necessary for the protection of persons and property.

SEC. 8.4-6  HIGHWAY CLOSURE REQUESTS. Permits to local authorities to temporarily close portions of state highways for such public purposes or needs as provided herein are governed by Section 4-408 of the Illinois Highway Code. Requests to the Illinois Department of Transportation, 700 East Norris Drive, Ottawa, Illinois 61350, must be filed not less than fifteen (15) days in advance of the date for which the closure is requested. The request shall be in resolution form, signed by the Mayor and certified by the Town Clerk as an official act of the city government.

SEC. 8.4-7  PREFERENCE IN APPLICATIONS. If the Public Works Director shall receive more than one (1) application for activities necessitating a Closure Permit, which activities are proposed for the same time and place, the application filed first in time shall take precedence. An application shall be considered to be "at the same time" if the proposed activity is scheduled to commence within two (2) hours before or after the holding of another activity requiring a Closure Permit. An application shall be considered to be "at the same place" if the proposed activity is within six (6) blocks or any equivalent distance from another activity requiring a Closure Permit.

SEC. 8.4-8  ISSUANCE OF MULTIPLE PERMITS. The Public Works Director may issue permits for more than a single activity requiring a Closure Permit on any one (1) date in accordance with the requirements of SEC. 8.4-5 and 8.4-7 of this Division, provided however, that the Public Works Director may not issue multiple permits beyond the point at which the issuance of such additional permits would require the continuing diversion of so great a number of police officers or other municipal personnel so as to prevent normal police protection or delivery of other services to the municipality.
SEC. 8.4-9  RECONSIDERATION. If a permit has been denied by the Public Works Director, the applicant may request reconsideration of such application and submit to the Public Works Director for his review any additional evidence relevant to said application. The Public Works Director shall make a final determination within twelve (12) hours following receipt of any request for reconsideration.

SEC. 8.4-10  CONTENTS OF PERMIT. A Closure Permit shall contain the following:

A. The name of the person or organization to whom issued.

B. The address and telephone number of the person or organization named on the permit.

C. The type of activity for which the permit has been issued.

D. The date, hour, and location for the proposed activity.

E. The expiration date of the event.

F. Any conditions imposed on the holding of the proposed activity.

SEC. 8.4-11  SUSPENSION OR REVOCATION. A Closure Permit may be summarily suspended or revoked by the Public Works Director on the following grounds:

A. If the Public Works Director has reasonable cause to believe that any of the grounds exist for which the original application for a permit would have been denied.

B. If the Public Works Director has reasonable cause to believe that the health, safety, and welfare of persons or property would be endangered because of real or threatened disaster, public calamity, riot, or other emergency.

C. If the Public Works Director has reason to believe that the conditions imposed upon issuance of the permit have not or are not being met.

SEC. 8.4-12  APPEAL. Decisions of the Public Works Director on applications for reconsideration may be appealed to the City Manager.

SEC. 8.4-13  SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Division is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Division, provided said remaining portions can be given effect without the invalid provision or provisions.

(Entire Division 4 Amended 7/20/98 by Ord. No. 4540)
DIVISION 5 - CONSTRUCTION PROJECT RULES

SEC. 8.5-1 APPLICATION OF RULES. The following rules and regulations shall apply to all persons, firms, or corporations doing work on any construction project within the Town of Normal.

SEC. 8.5-2 CLEANING OF STREETS. Streets adjacent to or in the area of a construction project must be kept clean at all times. Trucks going in or out of a construction project shall not be overloaded so as to cause dumping on the Town streets, nor shall they exit from the construction project with dirt or debris on their tires which might fall off on the Town streets.

SEC. 8.5-3 BLOCKAGE OF STREETS. Town streets may not be blocked without obtaining approval at least twenty-four (24) hours in advance from the Director of Public Works. The twenty-four (24) hour notice may be waived in cases of extreme emergency.

SEC. 8.5-4 STORAGE ON STREETS. No contractor's equipment or material shall be stored on Town streets or other public right-of-way without the permission of the Director of Public Works.

SEC. 8.5-5 CUTS ON TOWN PROPERTY. No cuts may be made in any Town property or public way without prior approval of the Director of the Public Works Department. A performance bond must be provided before approval is given to make any cut in any public way. The bond must be in the amount designated by the Director of Public Works, and must be approved as to form by the Corporation Counsel. Cuts in pavement shall not be left open over twenty-four (24) hours on any street, unless permission is obtained from the Director of Public Works. The street pavement cuts shall be made so as to not block more than one-half (1/2) of the street at any one time on major and collector streets. Repairs of all street pavement shall be made so as to not block more than one-half (1/2) of the street at any time. Pavement cuts must be properly filled in and must be replaced within five (5) days after the completion of the work. The cut or excavation in any public way must be barricaded in accordance with Town Code.

SEC. 8.5-6 FENCES. No fences are to be erected on public property, including right-of-way or easement, without permission of the Director of Public Works except when required by State law. Fences erected must be provided with gates only at points approved by the Director of Public Works. Gates must not swing into the public right-of-way. An excavation of more than 5,000 square feet in surface area must have a fence of metal construction with metal posts, said fence must be at least six (6) feet in height, and completely surround the excavation. Any fence installed across a public sidewalk or within (6) feet of a surfaced roadway must have red warning lights no more than twenty-five (25) feet apart and at least four (4) feet above grade level. No construction fence may be erected so as to obstruct the view of motor vehicle operators or pedestrians at intersecting roadways. Barbed wire fencing is not permitted. Signs other than warning signs are not permitted to be hung on any fence or post. Warning signs may be hung only after approved by the Director of Public Works.

SEC. 8.5-7 EQUIPMENT: LUG AND CLEATS. Tractors and traction equipment with lugs or cleats of any sort, other than rubber mounts, are not permitted to be operated on Town streets or other areas under Town jurisdiction.
DIVISION 6 - POLES, WIRES, CONDUIT AND EQUIPMENT IN RIGHTS-OF-WAY

SEC. 8.6-1  PERMIT REQUIRED.  No person shall install, erect or maintain or cause the installation, erection or maintenance of any gas, telegraph, telephone, electric, fiber optic, or cable TV post, poles, wires, conduit, or equipment or any telegraph, telephone, electric, or cable TV wires, fiber optic lines, or electric light conductors in, upon, across, or along any street, sidewalk, alley, or public way within the Town, without having first obtained a permit from the Director of Public Works as provided in Division 2 of this Chapter, and an agreement from the Town of Normal for use and occupancy of the public way.

An agreement shall not be required from an adjacent property owner for incidental use of a public way when providing a service line from the public way to a lot adjoining the public way.  (Amended 12/2/96 by Ord. No. 4426)

SEC. 8.6-2  NOT TO BE ERECTED OR MAINTAINED SO AS TO IMPEDE TRAVEL OR INJURE PROPERTY; LIABILITY.  No person obtaining a permit as required by SEC. 8.6-1 shall set, erect, or maintain any post or poles or place or hang any wires thereon, as to impede or interfere with the public travel upon any street, sidewalk, alley, or public way, or as to injure or damage any public or private property within the Town.  (Amended 7/16/84)

SEC. 8.6-3  RESERVATION OF RIGHTS BY THE TOWN; COMPENSATION IN CASE OF USE BY OTHER COMPANIES.  In granting permits to erect poles for the purpose of carrying wires, the Town reserves the right to use all such poles free of charge if the interest of the public so demands.  The Town also reserves the right to authorize other persons to use such poles, if the interest of the public so demands, upon payment to the owners of such poles reasonable compensation as determined by agreement between the parties.  If the parties cannot agree upon a reasonable compensation, the Board of Trustees shall determine the compensation.

All use or authorization for use granted under this Section shall be subject to all of the provisions of this Division.  (Amended 7/16/84)

SEC. 8.6-4  SETTING OR PLACING TO BE UNDER SUPERVISION OF DIRECTOR OF PUBLIC WORKS.  The setting or placing of all gas, telephone, telegraph, cable TV, electric, or fiber optic posts, poles, wire, conduit or equipment within the Town shall be done so as not to inconvenience or interfere with the public use of any street, sidewalk, alley, or public way.  Plans for construction shall be approved by the Director of Public Works before work is commenced.  (Amended 7/16/84)(Amended 12/2/96 by Ord. No. 4426)

SEC. 8.6-5  PERSON.  As used in this Division, person means any individual, partnership, co-partnership, firm, company, unincorporated association, public or private corporation, joint-stock company, trust, estate, or other legal entity.  (Added 12/2/96 by Ord. No. 4426)
SEC. 8.6-6  VIOLATION OF THIS DIVISION. In the event any person shall erect or maintain or cause the erection or maintenance of any post, pole, equipment, wire or conduit in violation of this Division, then the placement of such in, upon, across or along any street, sidewalk, alley or public way within the Town of Normal shall be considered implied consent on behalf of such person to pay annually to the Town of Normal the greater of five percent (5%) of the gross receipts derived from such equipment for services originating in the Town of Normal or one dollar and seventy-eight cents ($1.78) per lineal foot of right-of-way occupied annually adjusted from January 1, 1997, as provided below:  (Amended 10/15/12 by Ord. No. 5458)

The compensation rate per lineal foot provided herein shall be adjusted annually from January 1, 1997 based on the change in the Consumer Price Index - all urban wage earners published by the United States Department of Labor or such successor index published by the United States government.  (Added 12/2/96 by Ord. No. 4426)

(Division 6 RE-CODIFIED BY ORDINANCE NO. 3326, 7/16/84)
DIVISION 7- TREES AND SHRUBS

SEC. 8.7-1 TREES AND SHRUBS ON TOWN PROPERTY. This Section shall be applicable to trees and shrubs planted in or located on Town property, and to trees and shrubs located on private property which grow onto or above Town property.

A. DEFINITIONS. As used in this Section the following words and phrases shall have the following meanings:

1. “Drip-line” shall mean a point directly below the outer most point of a branch away from the trunk or center of a tree or shrub.

2. “Person” means any natural born person, corporation, partnership or voluntary association, or other entity recognized under Illinois law.

3. “Parkway” means that area between the road pavement and the property line demarcating the extent of road right-of-way including any public sidewalk.

4. “Shrub” means a woody plant which grows less than 20 feet tall without support.

5. “Town property” means any real property owned by the Town of Normal, including, but not limited to, all road rights-of-way, parks and facilities and other Town property.

6. “Tree” means any plant which grows more than 20 feet tall without support.

7. “Tree or shrub located in a municipal parkway” means a tree or shrub which is actually rooted in whole or in part in the parkway or a tree or shrub that occupies any portion of the air space above the parkway, whether or not such tree is actually rooted in the parkway.

8. “Trim” shall mean the removal of any branch with a diameter of greater than one inch, or the removal of more than one-third of the foliage of a tree or shrub within a single growing season.

B. IMPEDING TRAFFIC. Any tree or shrub located in a municipal parkway shall have its trunk, boughs or branches thereof cut and trimmed so as not to impede the passage of persons or vehicles along any street or sidewalk. Any branch or portion of a tree or shrub shall be considered an impediment if it is less than 8 feet above a sidewalk or less than 14 feet above a street. It shall be unlawful for any person or property owner to permit a tree or shrub to impede the passage of persons or vehicles along a street or sidewalk. A property owner is liable for any tree or shrub violating this section which is rooted on private property. A property owner is not liable for any tree or shrub which is rooted in a municipal parkway. A violation of this section is an absolute liability offense with regard to property owners, and the Town need not prove knowledge of the violation on the part of property owner. Every day upon which a violation occurs shall be considered a separate violation.
C. **OBSTRUCTING VIEWS.** All trees or shrubs located in a municipal parkway shall have the trunks, boughs or branches thereof cut and trimmed so as not to obstruct the view of any person or driver of a vehicle traveling along a street or sidewalk of any traffic sign, traffic signal, street identification sign, or other vehicles or pedestrians which may be on or entering the roadway. It shall be unlawful for any person or property owner to permit a tree or shrub to obstruct the view as provided by this section. A property owner is liable for any tree or shrub violating this section which is rooted on private property. A property owner is not liable for any tree or shrub which is rooted in a municipal parkway. A violation of this section is an absolute liability offense with regard to property owners, and the Town need not prove knowledge of the violation on the part of property owner. Every day upon which a violation occurs shall be considered a separate violation.

D. **RESPONSIBILITY OF ADJACENT PROPERTY OWNERS.**

1. **Non-emergency trimming.** Where the owner of premises adjacent to streets, alleys, or sidewalks permits the limbs, boughs, or foliage of trees, or shrubs planted on the premises to grow in such a manner as to impede the travel of vehicles or persons on streets or sidewalks or to obstruct in whole or in part the view of any traffic sign, traffic control device, street identification sign, or other vehicles or persons who may be on or enter the roadway, it shall be the duty of the Director of Parks and Recreation to notify such owner in writing to trim such trees or shrubs within ten (10) days. If the person so notified shall neglect or refuse to comply with such notice, the Director of Parks and Recreation may cause such foliage to be trimmed at the expense of the owner. The Town may charge the owner with the costs so incurred, and such costs shall be a lien on the premises. The lien may be enforced as provided by law.

2. **Emergency trimming.** Where the owner of premises adjacent to streets, alleys, or sidewalks permits the limbs, boughs, or foliage of trees or shrubs planted on the premises to grow in such a manner as to impede the travel of vehicles or persons on streets or sidewalks or to obstruct in whole or in part the view of any traffic sign, traffic control device, street identification sign, or other vehicles or persons who may be on or enter the roadway, and the Director of Parks and Recreation determines that the tree or shrub creates an immediate danger to the health and safety of persons on the street or sidewalk, the Director of Parks and Recreation shall cause the tree or shrub to be trimmed or removed so as to remove the danger. The Town may charge the owner with the costs so incurred, and such costs shall be a lien on the premises. The lien may be enforced as provided by law.

E. **DESTRUCTION OR TRIMMING OF TREES OR SHRUBS ON TOWN PROPERTY.**

Destruction of trees or shrubs or trimming of trees or shrubs on any Town property, including parkways, is not permitted except upon approval of the Director of Parks and Recreation. It shall be unlawful for any person to trim, remove or destroy any tree or shrub on Town property without first having obtained the permission of the Director of Parks and Recreation. In addition to any fine
which may be assessed for a violation of this section, a person found to have violated this section shall also pay to the Town the value of the tree or shrub which was trimmed, destroyed or removed as provided by the most recent version of *A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens* as published by the International Society Arboriculture, but in no event less than the actual cost of replacement of a tree or shrub of similar type. Trimming, or to trees and shrubs whose trunk is located entirely on private property.

**F. ACCIDENTAL DAMAGE TO TREES OR SHRUBS ON TOWN PROPERTY.** Any person who accidentally causes damage to or destruction of any tree or shrub on Town property shall pay the Town the value of the tree or shrub which was damaged, destroyed or removed as provided by the most recent version of *A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens* as published by the International Society Arboriculture, but in no event less than the actual cost of replacement of a tree or shrub of similar type. This Section F shall not apply to utility companies performing line clearance trimming or to trees and shrubs whose trunks are located entirely on private property.

**G. PLANTING OF TREES OR SHRUBS ON TOWN PROPERTY.** Any tree or shrub planted on Town property, including any parkway, becomes the property of the Town of Normal upon planting, and any other claims of ownership cease upon being planted on Town property.

**H. PERMIT REQUIRED.** It shall be unlawful for any person to plant a tree or shrub on Town property without first obtaining the permission of the Parks and Recreation Director. The Director of Parks and Recreation shall have the power to order the removal of any tree planted in violation of this Code upon the giving of written notice to the person who planted or caused to be planted such tree. Upon the failure of such person to remove such tree within a reasonable time after such notice, the Director of Parks and Recreation may have such tree removed, and such person may be charged with the expense of the removal of the tree. Such expense may be collected by bringing suit in the name of the Town against such person. In determining whether a permit shall be issued, the Parks and Recreation Director shall consider the following factors:

1. The likelihood of interference with utility lines.

2. Whether the tree or shrub is likely to grow such that it touches a structure or interferes with persons or vehicles on the streets or sidewalks.

3. Whether there is sufficient room for the type and size of tree or shrub at that location.

4. Whether the tree or shrub is likely to drop fruit in a location where such fruit is likely to cause a mess.
5. Whether the tree or shrub is likely to drop branches which might injure persons or impede persons or vehicles.

6. Whether the tree or shrub is likely to interfere with the ability of persons to see traffic signals or other traffic along streets.

7. The likely health of the tree or shrub in the area to be planted.

8. The amount of care which a particular tree or shrub may require during its life.

9. The overall aesthetic of the location of the tree or shrub.

10. Whether the tree or shrub is of a variety already located in the area. Planting of a single species or type in an area should be avoided.

11. Whether the tree has thorns which are likely to hurt persons.

12. The likely longevity of the tree.

I. ROOT PROTECTION. In order to protect the roots and health of trees, the following activities are prohibited:

1. Except as otherwise specifically provided in any franchise agreement, it shall be unlawful for any person to dig a trench or other hole deeper than one inch deep on Town property within an area closer than one foot of the outer drip-line of any tree or shrub which is over 20 feet tall without the permission of the Director of Parks and Recreation. The application for a permit shall depict the exact location and description of the excavation or digging and the location and description of any trees whose drip-lines extend into the excavation or digging area. In determining whether permission to dig or trench shall be granted, the Director of Parks and Recreation shall determine if alternatives to digging or trenching, such as boring or relocating, are available, the hardship to the person seeking to dig or trench, and the likely damage to any tree or shrub.

2. It shall be unlawful for any person to pave or place a drive or expand a drive on Town property in the area between the trunk and the drip-line of any tree or shrub without the permission of the Director of Parks and Recreation. In determining whether permission to pave shall be granted, the Director of Parks and Recreation shall determine if alternative locations are available, the need for the paving, the hardship to the person seeking to pave, and the likely damage to any tree or shrub.

3. It shall be unlawful for any person to place rocks or debris between the trunk and the drip-line of any tree planted on Town property.

J. EQUITABLE ACTION. Regardless of other remedies which may be available, the Town may bring an action against any person in a court of competent jurisdiction to obtain compliance with the provisions of this Section.
K. PENALTY. Any person, firm, or corporation violating or failing to comply with any of the terms or requirements of this Section shall be fined a sum of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each offense. Each day that such a violation or failure occurs or continues shall be considered a separate and distinct offense and shall be punishable as such. In addition to any fine which may be assessed for a violation of this section, a person found to have violated this section shall also pay to the Town the value of the tree or shrub which was trimmed, destroyed or removed as provided by the most recent version of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens as published by the International Society Arboriculture, but in no event less than the actual cost of replacement of a tree or shrub of similar type.

L. SEVERABILITY. It is hereby further declared to be the intention of the Board of Trustees of the Town of Normal, Illinois, that the several provisions of this Section are severable in that if any court of competent jurisdiction shall adjudge any provision of this Section to be invalid, such judgment shall not affect any other provision of this Section not specifically included in such judgment order.

SEC. 8.7-2 PUBLIC UTILITY COMPANY VEGETATION MANAGEMENT.

A. Public utility Companies and their contractors performing non-emergency vegetation management shall comply with all State laws and regulations, including non-emergency vegetation management activities set forth at 220 ILCS 5/8-505.1.

B. No prior approval of the Director of Parks and Recreation shall be required of any public utility company or public utility company contractor performing vegetation management on Town property when such trimming is done in accordance with this Section and State Law.

C. DEFINITIONS. As used in this Section the following words and phrases shall have the following meanings:

1. “Person” means any natural born person, corporation, partnership or voluntary association, or other entity recognized under Illinois law.

2. “Parkway” means that area between the road pavement and the property line demarcating the extent of road right-of-way.

3. “Tree located in a municipal parkway” means a tree which is actually rooted in whole or in part in the parkway or a tree that occupies any portion of the air space above the parkway, whether or not such tree is actually rooted in the parkway.

4. “Sag and sway” shall mean that distance determined by the Director of Public Works that overhead public utility transmission lines will move vertically or horizontally at midspan due to normal and customary weather conditions.
5. “Overhead transmission lines” means the wires suspended above ground on poles placed in the parkway or placed immediately adjacent to the parkway on private or public easements.

6. “Public utility” means any company authorized by a franchise agreement with the Town to occupy public ways.


E. **ELECTRIC LINE CLEARANCE STANDARDS.**

1. The following species of trees located in the parkway may be trimmed according to the Table of Maximum Line Clearances and the accompanying notes set forth in this Section:

   | American Hophornbeam | American Sweetgum |
   | Ash, Blue            | Ash, White        |
   | Bald Cypress         | Black Walnut      |
   | Blue Beech           | Buckeye           |
   | Catalpa              | Elm, American     |
   | Ginko, Male          | Hickory           |
   | Ironwood             | Kentucky Coffeetree|
   | Linden, Littleleaf   | Linden, Silver    |
   | Maple, Black         | Maple, Norway     |
   | Maple, Red           | Maple, Sugar      |
   | Oak species (except Pin Oak) | Tulip Tree |

**STANDARD CLEARANCE**

The following table gives clearances adequate to protect the wires under normal operating conditions and meets ANSI A300 Standards. Special clearances may be needed sometimes because of field conditions. The Public Works Director is authorized to grant waivers from the following table in light of such field conditions as set forth in subsection (F) of this Section.

Electric wires will sag due to hot weather or swing sideways in strong winds. The greatest wire sag and sway occurs at midspan. The following line clearance will be measured from the maximum distances power line will sag and sway due to normal and customary weather conditions.
**TABLE OF MAXIMUM LINE CLEARANCES (IN FEET)**

“PROVIDED, HOWEVER, NO LIVING BRANCH WITH A DIAMETER OF MORE THAN 4 INCHES SHALL BE CUT WITHOUT FIRST OBTAINING A PERMIT FROM THE DIRECTOR OF PARKS AND RECREATION OR HIS DESIGNEE”

<table>
<thead>
<tr>
<th>Clearance from Trees</th>
<th>120 to 600 V</th>
<th>750 to 5,000 V</th>
<th>7,200 to 12,500 V</th>
<th>Aerial Cable 2,400 to 12,500 V</th>
<th>34,500 V</th>
<th>69,000 V and Above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side</td>
<td>2</td>
<td>4</td>
<td>6</td>
<td>4</td>
<td>10</td>
<td>(d)</td>
</tr>
<tr>
<td>Through</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>2(a)</td>
<td>(b)</td>
<td>(d)</td>
</tr>
<tr>
<td>Over Conductors</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>6</td>
<td>©</td>
<td>(d)</td>
</tr>
<tr>
<td>Under Conductors</td>
<td>4</td>
<td>6</td>
<td>7</td>
<td>7</td>
<td>8</td>
<td>(d)</td>
</tr>
</tbody>
</table>

**NOTES:**

(a) Remove limbs over 2 inches in diameter which may sway into or otherwise contact line for a minimum clearance of 2 ft.

(b) Not permitted through trees.

(c) All overhead should be kept to a minimum.

(d) Remove all trees that could grow or fall into line before they become a hazard.

(e) The letter “V” refers to volts.

2. Non-Listed Trees. Trees not listed in Subsection E(1) above may be trimmed in accordance with Subsection E(1) except the maximum line clearances may be up to two times the distance provided in Subsection E(1), but not to exceed ten feet in distance unless prior approval is obtained from the Director of Public Works.

F. **WAIVER OF STANDARDS.** Trees located in the parkway may need to be trimmed to clearances in excess of the standards set forth in Subsections E(1) and E(2) for aesthetic or safety reasons. In such cases, the Director of Parks and Recreation is authorized to issue a permit permitting deviation from such clearance standards in a manner set forth in such permit. No fee shall be charged for such permit. No tree trimming shall be done by any person as set forth in this Subsection (F) except pursuant to the authorization of the Director of Parks and Recreation.

G. **EMERGENCY TRIMMING.** Nothing in this Article shall be interpreted as preventing any person from trimming to remove trees or portions of trees for the purpose of restoring electric power which has been interrupted by reason of such trees or portions thereof having come in contact with electric power lines.
H. Except as otherwise provided in any franchise agreement, it shall be unlawful for any person to dig a hole or trench within an area closer than one foot of the drip-line of any tree which is over 20 feet tall for the placement or replacement of utility lines without the permission of the Director of Parks and Recreation. Utility lines include electrical, gas, water, cable TV, sewer, telephone, and any other underground service line. In determining whether a permit should be granted, the Director of Parks and Recreation should determine whether alternative technologies such as boring are available or whether there are alternative locations available for the placement or repair of lines which do not require trenching or digging within the drip line of a tree. Nothing in this paragraph H shall be interpreted as prohibiting any person from digging in an emergency situation to repair a broken water, sewer, gas or electrical line.

I. **PENALTY.** Any person, firm, or corporation violating or failing to comply with any of the terms or requirements of this Section shall be fined a sum of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each offense. Each day that such a violation or failure occurs or continues shall be considered a separate and distinct offense and shall be punishable as such. In addition to any fine which may be assessed for a violation of this section, a person found to have violated this section shall also pay to the Town the value of the tree or shrub which was trimmed, destroyed or removed as provided by the most recent version of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens as published by the International Society Arboriculture, but in no event less than the actual cost of replacement of a tree or shrub of similar type.

J. **EQUITABLE ACTION.** Regardless of other remedies which may be available, the Town may bring an action against any person in a court of competent jurisdiction to obtain compliance with the provisions of this Section.

K. **SEVERABILITY.** It is hereby further declared to be the intention of the Board of Trustees of the Town of Normal, Illinois, that the several provisions of this Section are severable in that if any court of competent jurisdiction shall adjudge any provision of this Section to be invalid, such judgment shall not affect any other provision of this Section not specifically included in such judgment order.

Entire Division 7 Amended 8/7/06 by Ord. No. 5093.
DIVISION 8 - PENALTIES

SEC. 8.8-1 PENALTY. Any person, firm, or corporation violating or failing to comply with any of the terms or requirements of this Chapter shall be fined a sum of not less than fifty dollars ($50.00), nor more than five hundred dollars ($500.00) for each offense. Each day that such a violation or failure occurs or continues shall be considered a separate and distinct offense and shall be punishable as such.

SEC. 8.8-2 SEVERABILITY. It is hereby further declared to be the intention of the Board of Trustees of the Town of Normal, Illinois, that the several provisions of this Chapter are severable in that if any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provision of this Chapter not specifically included in such judgment order.

(ENTIRE CHAPTER 8 AMENDED BY ORDINANCE NO. 3616 - 5/5/86)
DIVISION 9 - SMALL WIRELESS FACILITIES

SEC. 8.9-1. PURPOSE AND SCOPE.

A. The purpose of this Division is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities in a manner that is consistent with the Small Wireless Facilities Deployment Act.

B. This Division supersedes all prior ordinances or parts of ordinances that are in conflict with this Division, to the extent of such conflict.

C. If any applicable federal or State laws or regulations conflict with the requirements of this Division, the wireless provider shall comply with the requirements of this Division to the maximum extent possible without violating federal or State laws or regulations.

SEC. 8.9-5. DEFINITIONS. For the purpose of this Division:

“Antenna” means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

“Applicable codes” means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

“Applicant” means any person who submits an application and is a wireless provider.

“Application” means a request submitted by an applicant to the Town for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

“Collocate or collocation” means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

“Communications service” means cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

“Communications service provider” means a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

“FCC” means the Federal Communications Commission of the United States.

“Fee” means a one-time charge.

“Historic district or historic landmark” means a building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the
Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Town pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

“Law” means a federal or State statute, common law, code, rule, regulation, order, local ordinance or resolution.

“Micro wireless facility” means a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

“Municipal utility pole” means a utility pole owned or operated by the Town in public rights-of-way.

“Permit” means a written authorization required by the Town to perform an action or initiate, continue, or complete a project.

“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

“Public safety agency” means the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

“Rate” means a recurring charge.

“Right-of-way” means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Town-owned aerial lines.

“Small wireless facility” means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

“Utility pole” means a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

“Wireless facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline
backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

“Wireless infrastructure provider” means any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Town.

“Wireless provider” means a wireless infrastructure provider or a wireless services provider.

“Wireless services” means any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

“Wireless services provider” means a person who provides wireless services.

“Wireless support structure” means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

SEC. 8.9-10. REGULATION OF SMALL WIRELESS FACILITIES.

A. Permitted Use. Small wireless facilities are classified as permitted uses and subject to administrative review, except as provided in paragraph (C)(9) regarding height exceptions or variances, but not subject to zoning review or approval if they are collocated: (i) in rights-of-way in any zoning district; or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

B. Permit Required. An applicant shall obtain one or more permits from the Town to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

1. Application Requirements. A wireless provider shall provide the following information to the Town, together with the Town’s Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

   (a) Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;

   (b) The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed, including a depiction of the completed facility;

   (c) Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is
proposed to be installed;

(d) The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;

(e) A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved;

(f) Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant’s knowledge; and

(g) If the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Town, then the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

2. Application Process. The Town shall process applications as follows:

(a) The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

(b) An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Town fails to approve or deny the application within 90 days after the submission of a completed application. However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Town in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

The permit will be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Town. The receipt of the deemed approved notice will not preclude the Town's denial of the permit request within the time limits as provided under this Division.

(c) An application to collocate a small wireless facility that includes the installation of a new utility pole will be processed on a nondiscriminatory basis and deemed approved if the Town fails to approve or deny the application within 120 days after the submission of a completed application. However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Town in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.
The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Town. The receipt of the deemed approved notice shall not preclude the Town's denial of the permit request within the time limits as provided under this Ordinance.

All permits for new utility poles applied for under this Division shall be issued only if the applicant complies with the requirements of this Chapter, as may be amended from time to time, as well as with all applicable law.

(d) The Town shall deny an application that does not meet the requirements of this Ordinance.

If the Town determines that applicable codes, ordinances or regulations that concern public safety, or the collocation requirements and conditions contained in this Division require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Town shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Town denies an application.

The applicant may cure the deficiencies identified by the Town and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The Town shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within 30 days of denial shall require the application to submit a new application with applicable fees, and recommencement of the Town’s review period.

The applicant must notify the Town in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application cure does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

(e) Pole Attachment Agreement. Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Town and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Town for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Town and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.
3. **Completeness of Application.** Within 30 days after receiving an application, the Town shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Town must specifically identify the missing information. An application shall be deemed complete if the Town fails to provide notification to the applicant within 30 days after all documents, information and fees specifically enumerated in the Town's permit application form are submitted by the applicant to the Town.

Processing deadlines are tolled from the time the Town sends the notice of incompleteness to the time the applicant provides the missing information.

4. **Tolling.** The time period for applications may be further tolled by:
   
   (a) An express written agreement by both the applicant and the Town; or
   
   (b) A local, State or federal disaster declaration or similar emergency that causes the delay.

5. **Consolidated Applications.** An applicant seeking to collocate small wireless facilities within the jurisdiction of the Town shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Town may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Town may issue separate permits for each collocation that is approved in a consolidated application.

6. **Duration of Permits.** The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the Town makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Town codes or any provision, condition or requirement contained in this Ordinance.

7. **Means of Submitting Applications.** Applicants shall submit applications, supporting information and notices to the Town by personal delivery at the Engineering Department, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

C. **Collocation Requirements and Conditions**

1. **Public Safety Space Reservation.** The Town may reserve space on municipal utility poles for future public safety uses, for the Town’s electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Town reasonably determines that the municipal utility pole cannot accommodate both uses.

2. **Installation and Maintenance.** The wireless provider shall install, maintain, repair
and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Ordinance. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

3. No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Town may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

4. The wireless provider shall not collocate small wireless facilities on Town utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Town utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

5. The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

6. The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Town ordinance, written policy adopted by the Town, a comprehensive plan or other written design plan that applies to other
occupiers of the rights-of-way, including on a historic landmark or in a historic district.

7. Alternate Placements. Except as provided in this subsection (C), a wireless provider will not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Town may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Town, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

8. Height Limitations. The maximum height of a small wireless facility shall be no more than 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

(a) 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Town, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Town, provided the Town may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

(b) 45 feet above ground level.

9. Height Exceptions or Variances. If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a variance in conformance with procedures, terms and conditions set forth in Chapter 15 of the Town Code.

10. Contractual Design Requirements. The wireless provider shall comply with requirements that are imposed by a contract between the Town and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

11. Ground-mounted Equipment Spacing. The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless
provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

12. **Undergrounding Regulations.** The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

13. **Collocation Completion Deadline.** Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the Town and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the Town grants an extension in writing to the applicant.

D. **Application Fees.**

1. Applicant shall pay an application fee of $650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and $350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

2. Applicant shall pay an application fee of $1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

3. Notwithstanding any contrary provision of State law or local ordinance, applications under this Section must be accompanied by the required application fee. Application fees are non-refundable.

4. The Town will not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

   (a) routine maintenance;

   (b) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Town at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section titled Application Requirements; or

   (c) the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
5. Wireless providers shall secure a permit from the Town to work within rights-of-way for activities that affect traffic patterns or require lane closures.

E. Exceptions to Applicability. Nothing in this Division authorizes a person to collocate small wireless facilities on:

1. property owned by a private party or property owned or controlled by the Town or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;

2. property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

3. property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Division will be construed to relieve any person from any requirement (i) to obtain a franchise or a State-issued authorization to offer cable service or video service or (ii) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Division.

F. Pre-Existing Agreements. Existing agreements between the Town and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on Town utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Town’s utility poles pursuant to applications submitted to the Town before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Ordinance.

A wireless provider that has an existing agreement with the Town on the effective date of the Act may accept the rates, fees and terms that the Town makes available under this Ordinance for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the Town that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Town’s utility poles pursuant to applications submitted to the Town before the wireless provider provides such notice and exercises its option under this paragraph.
G. Annual Recurring Rate. A wireless provider shall pay to the Town an annual recurring rate to collocate a small wireless facility on a Town utility pole located in a right-of-way that equals (i) $200 per year or (ii) the actual, direct and reasonable costs related to the wireless provider’s use of space on the Town utility pole.

If the Town has not billed the wireless provider actual and direct costs, the fee is $200 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

H. Abandonment. A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the Town notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Town to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the Town may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Town if it sells or transfers small wireless facilities within the jurisdiction of the Town. Such notice shall include the name and contact information of the new wireless provider.

SEC. 8.9-15. DESIGN STANDARDS. In addition to any other applicable designs standards as set forth in this Division or in an applicable code or law, a wireless provider shall comply with the following design standards:

A. Screening. Whenever any equipment or appurtenances, i.e., cabinet, controller, etc., are to be installed, screening must be installed to minimize the visibility of such equipment or appurtenance and shall not be permitted to obstruct sight lines or to create other traffic or safety problems.

B. Color and Stealth. All small wireless facilities, including all related equipment and appurtenances, must be a color that blends with the surroundings of the utility pole, wireless support structure, or other structure on which such facility or equipment is mounted, placed, or collocated. The color must be comprised of nonreflective materials which blend with the materials and colors of the surrounding area and structures. The applicant shall use good faith efforts to employ reasonable stealth techniques to conceal the appearance of a small wireless facility or its related equipment and appurtenances.

C. Utility Poles; Wireless Support Structures; Extensions. Any utility pole extension or wireless support structure extension must blend with the color of the utility pole or wireless support structure upon which such extension is mounted. Any new utility pole or replacement utility pole shall not be wood and must blend with the color, style, and structure of any surrounding utility poles or wireless support structures.

D. Size. The applicant shall make good faith efforts to ensure the silhouette of a small wireless facility and its related equipment and appurtenances are reduced to minimize visual impact.
SEC. 8.9-20. SAFETY STANDARDS. In addition to any other applicable safety standards as set forth in this Division or in an applicable code or law, a wireless provider shall comply with the following safety standards:

A. A small wireless facility and any related equipment or appurtenance shall not be collocated in a manner so as to obstruct or interfere with a motorist’s view of roadways, nor shall any small wireless facility and any related equipment or appurtenance be collocated in a manner that obstructs the view of a motorist at an intersection.

B. All small wireless facilities shall comply with tornado design standards as contained in the EIA-TIA 222 (latest version).

C. Any and all transmission cables and cable trays deployed horizontally above the ground between any number of small wireless facilities and its equipment, or between any number of small wireless facilities, or between any number of small wireless facilities’ equipment, shall be at least eight feet above the ground at all points.

D. Wires and cables connecting the antenna to the remainder of the small wireless facility must be installed in accordance with the national electrical code, national electrical safety code, and any other applicable code adopted by the Town Code and in force at the time of the installation of the small wireless facility. Any wiring must be covered with an appropriate cover. No wiring or cabling serving the facility will be allowed to interfere with any existing uses.

E. No signage is permitted on any small wireless facility or its related equipment or appurtenances other than signs that are required for public safety purposes, by law, or by the FCC, FAA, or other similar governmental agency.

SEC 8.9-25. FALL ZONE; SETBACK REQUIREMENTS. In addition to any other applicable fall zone or setback standards as set forth in this Division or in an applicable code or law, a wireless provider shall comply with the following fall zone and set back requirements:

A. Fall Zone: No small wireless facility shall be collocated any closer to a habitable structure or outdoor area where people congregate than its fall zone. For purposes of this section, the fall zone shall be 110% of the height of the small wireless facility, the utility pole to which it is attached, the wireless support structure to which it is attached, or any combination or variation thereof, whichever shall result in the largest fall zone.

B. Setback:

1. All small wireless facilities including mounts, equipment shelters, related equipment, or appurtenances shall comply with the minimum building and landscape/screening setback requirements of the applicable zoning district as set forth in the Town of Normal Zoning Code; provided, however, that the following setbacks apply to the height of the small wireless facility, utility pole, or wireless support structure above ground level or, if such small wireless facility, utility pole, or wireless support structure is attached to a building, the height from the point of attachment:

   (a) No small wireless facility, utility pole, or wireless support structure shall be set back a distance less than its height.
(b) No small wireless facility, utility pole, or wireless support structure shall be set back a distance less than its height from the nearest overhead electrical power line which serves more than one dwelling or place of business.

SEC. 8.9-30. DISPUTE RESOLUTION. The Circuit Court of McLean County has exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Town shall allow the collocating person to collocate on its poles at annual rates of no more than $200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

SEC. 8.9-35. INDEMNIFICATION. A wireless provider shall indemnify and hold the Town and its officers, employees, and agents harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Town improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Ordinance and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Town or its employees or agents. A wireless provider shall further waive any claims that they may have against the Town with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

SEC. 8.9-40. INSURANCE. The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

(i) property insurance for its property's replacement cost against all risks and workers;

(ii) workers' compensation insurance, as required by law; and

(iii) commercial general liability insurance with respect to its activities on the Town improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of Town improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Town as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Town in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Town. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Town evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Town.

(Entire Division 9 added by Ord. No. 5745 on 07/16/18)