

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

**AN ORDINANCE AMENDING CHAPTER 12.20 OF TITLE 12  
OF THE NORTH AURORA CODE  
PERTAINING TO STANDARDS FOR THE CONSTRUCTION OF  
FACILITIES ON THE RIGHTS-OF-WAY**

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

SECTION ONE. The definitions of “Small Freestanding Cabinet Facility” and “Large Freestanding Cabinet Facility” in Section 12.20.020 of Chapter 12.20 of Title 12 of the North Aurora Code are hereby amended as follows:

**12.20.20 Definitions.**

....

“Large Freestanding Cabinet Facility” means a cabinet Facility that has a volume of greater than twenty four (24) cubic feet, or a linear size in any single dimension of greater than four (4) feet (excluding cables, wires, etc.), or a foot print in square feet greater than five percent (5%) of the maximum lot coverage for any contiguous zoning lot on or adjacent to the Right-of-Way where the Freestanding Cabinet Facility is or is to be located.

....

“Small Freestanding Cabinet Facility” means a cabinet Facility that has a volume of less than twenty four (24) cubic feet, a linear size in any single dimension of less than four (4) feet (excluding cables, wires, etc.), and a foot print in square feet less than five percent (5%) of the maximum lot coverage for any contiguous zoning lot on or adjacent to the Right-of-Way where the Freestanding Cabinet Facility is or is to be located.

SECTION TWO. Subsection H.1 of Section 12.20.040 of Chapter 12.20 of Title 12 of the North Aurora Code is hereby amended as follows:

**12.20.040 Permit Required; Applications and Fees.**

....

**H. Freestanding Cabinet Facility Restrictions.**

1. No Large Freestanding Cabinet Facility shall be permitted in any Right-of-Way contiguous to the front yard, side yard or corner side yard of any private property unless the zoning district in which the private property is located allows the installation of Freestanding Cabinet Facilities in front yards, side yards or corner side yards.

SECTION THREE. Subsection B of Section 12.20.050 of Chapter 12.20 of Title 12 of the North Aurora Code is hereby amended as follows:

**12.20.050 Action on Permit Applications.**

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B. Submission and Review of Permit Applications. Completed permit applications, containing all required documentation, shall be submitted to the office of the North Aurora Department of Public Works for review by the Superintendent of Public Works, Village engineer and any other staff or consultant as may be appropriate or necessary to review and process the application. The date of submission shall be the date of receipt as stamped on the application by the Village staff receiving it. Review comments shall be forwarded to the applicant within fourteen (14) days from the date of submission. The applicant must respond to the review comments in writing within fourteen (14) days. Additional review comments, if any, shall be forwarded to the applicant within seven (7) days, and the applicant shall have seven (7) days to respond to any additional comments. The application shall be accepted as written, accepted with conditions, or denied within forty five (45) days from submission of an application that is complete in the detail requested in the application. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the application may be denied in writing, stating the reasons therefore. If the proposed work conforms to the requirements of this Chapter and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent of Public Works shall issue a permit therefore as soon as practicable. Any application that has not been previously accepted with conditions or denied in writing within forty five (45) days from the date of submission shall be considered approved as submitted.

SECTION FOUR. Subsection A.6 of Section 12.20.160 of Chapter 12.20 of Title 12 of the North Aurora is hereby amended as follows:

**12.20.160 Location of Facilities.**

A. General Requirements. In addition to location requirements applicable to specific types of Facilities, all Facilities, regardless of type, shall be subject to the general location requirements of this Subsection.

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6) Landscaping Setbacks. No Facility shall be placed in a dedicated landscape setback area.

SECTION FIVE. Subsection E.6 of Section 12.20.160 of Chapter 12.20 of Title 12 of the North Aurora is hereby amended as follows:

E. Freestanding Facilities.

....

3. Freestanding Facilities must be located at least fifteen feet (15') away from any storm water inlets; and shall not be located within any stormwater detention or retention area or drainage swale, ditch or other such dedicated stormwater control area; and shall not be placed in such a way as to otherwise interfere with any stormwater control facilities.

4. No large Freestanding Cabinet Facility shall be located on or over a gas line, water line, sanitary sewer line, electric cable or fiber optic cable.

SECTION SIX. Subsection G of Section 12.20.160 of Chapter 12.20 of Title 12 of the North Aurora is hereby amended as follows:

THE VILLAGE OF NORTH AURORA

G. Facility Attachments to Bridges or other Structures in a Roadway or Right-of-Way.

1. Facilities may be installed as attachments to bridges or other structures in a Roadway or Right-of-Way only where the Utility has demonstrated that all other means of accommodating the Facility are not Practicable and there shall be no additional danger to the public health, safety and welfare likely to occur from the improvement. Other means shall include, but are not limited to, underground, underwater, independent pole, cable support and tower support Facilities, all of which are completely separated from the bridge or other structure in a Roadway or Right-of-Way. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted on a bridge or other structure in a Roadway or Right-of-Way.

2. A Utility shall include in its request to accommodate a Facility installation on a bridge or Roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for Facility attachment to a bridge or other structure in a Roadway or Right-of-Way will be based upon the following considerations:

a. The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the Facility;

b. The type, length, value, and relative importance of the Roadway structure in the transportation system;

c. The alternative routings available to the Utility and their comparative practicability;

d. The proposed method of attachment;

e. The ability of the structure to bear the increased load of the proposed Facility;

f. The degree of interference with bridge or Roadway or Right-of-Way maintenance and painting;

g. The effect on the visual quality of the structure; and

h. The public benefit expected from the Utility service as compared to the risk involved.

SECTION SEVEN. Subsection G of Section 12.20.160 of Chapter 12.20 of Title 12 of the North Aurora is hereby

**12.20.170 Construction Methods and Materials.**

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F. Marking of Labeling of Fiber Optic Cable. All fiber optic cable installed pursuant to permits granted under this title shall be clearly but inconspicuously marked or labeled as "Fiber Optic Cable".

SECTION EIGHT. This Ordinance shall take effect immediately from and after its passage, approval and publication in pamphlet form.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2008 A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2008 A.D.

Dale Berman	_____	Mark Gaffino	_____
Michael Herlihy III	_____	Max Herwig	_____
Linda Mitchell	_____	Bob Strusz	_____

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2008, A.D.

\_\_\_\_\_  
John Hansen, Village President

ATTEST:

\_\_\_\_\_  
Lori Murray, Village Clerk

### **CERTIFICATION**

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of North Aurora, Kane County, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance No. \_\_\_\_\_, enacted on \_\_\_\_\_, 2008, and approved on \_\_\_\_\_, 2008, as the same appears from the official records of the Village of North Aurora.

\_\_\_\_\_  
Village Clerk Lori Murray