



## Legislation Details (With Text)

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**File #:** 21-0141      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 1/19/2021      **In control:** City Council

**On agenda:** 2/16/2021      **Final action:** 2/16/2021

**Title:** Waive the first reading and pass the ordinance amending Article A (General Provisions) and Article J (Encroachments and Obstructions) of Chapter 1 (Streets and Sidewalks) of Title 9 (Public Ways and Property) of the Naperville Municipal Code regarding permit fee requirements and establishing a future pavement restoration fee (Requires six positive votes)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance amending permit fee requirements and establishing a future pavement restoration fee

Date	Ver.	Action By	Action	Result
2/16/2021	1	City Council	waived the first reading and passed	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Waive the first reading and pass the ordinance amending Article A (General Provisions) and Article J (Encroachments and Obstructions) of Chapter 1 (Streets and Sidewalks) of Title 9 (Public Ways and Property) of the Naperville Municipal Code regarding permit fee requirements and establishing a future pavement restoration fee (Requires six positive votes)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William J. Novack, Director of TED/City Engineer

**BOARD/COMMISSION REVIEW:**

NA

**BACKGROUND:**

Title 9 of the Naperville Municipal Code governs the use of the city's public ways and properties, including the right-of-ways (ROW's) that the city's streets and alleys occupy. In addition to city streets, the ROW's also contain the public sidewalk system, public utilities such as water, wastewater and electric, and private utilities such as telephone, cable, and other telecommunication infrastructure.

Specifically, Title 9 discusses the details of how work in the ROW is permitted and completed and how fees are assessed. In addition to the City and utility companies, at times builders, developers, and private property owners need to work in the ROW to extend utilities or provide access to property.

The work often requires excavating and digging up of the public street. While staff encourages and requires tunneling where practical, many times excavation of the street is the only way to complete the work. When this is done, the excavator is required to patch the roadway in accordance with City standards.

**DISCUSSION:**

When pavement is patched, especially a newer pavement, it degrades the overall quality of the pavement and introduces a weak link in the roadway mat. This is due to the addition of four new joints, two of which are transverse to the direction of travel. The joints lead to accelerated deterioration of the patch and the adjacent pavement. Even with well-constructed patches, many of them need to be re-done before the rest of the roadway is due to be resurfaced. This is an additional cost that the City must bear due to the work of the other party.

In an effort to recoup costs, staff is proposing requiring those responsible for these additional City costs to pay a future pavement restoration fee. Those who must pay ROW permit fees would be assessed the future pavement restoration fee. The private utility providers who collect and remit municipal utility taxes to the City do not have ROW permit fees assessed, and thus will not be subject to this new fee.

The future pavement restoration fee is based on the following:

1. The newer a pavement is, the greater the possibility that it will need to be patched again before it is resurfaced
2. Those roadways that carry more traffic have a greater possibility of needing the patch restored before the next resurface date
3. Patches on higher classified roadways (arterials, collector roadways and then local street) need to be thicker and are therefore more costly

Based upon the factors noted above, City staff has developed a matrix that will be used to calculate the future pavement restoration fee that will be assessed with the permit fee. The cost is based upon the average of the last three year's pavement patching contract that the City awards each year. The costs will be calculated by the City Engineer an annual basis.

**FISCAL IMPACT:**

While it is not believed this fee will generate much revenue, approximately \$10,000 annually, it does reimburse the City for costs that result from prior work performed by private parties and utilities.