

City of Rockford, Illinois

Public Works Department
425 East State Street, Rockford, IL 61104
Phone: 779-348-7174 Fax: (815) 967-7058
Web: www.rockfordil.gov



ENCROACHMENT PERMIT APPLICATION

(Encroachment located within the City right-of-way)

PERMIT#

(DATE OF APPLICATION)

(APPLICANT NAME) (PLEASE PRINT)

(IF BUILT BY A CONTRACTOR-GIVE NAME)

CONTRACTOR OR PROPERTY OWNER
(IS APPLICANT) (CHECK ONE BOX)

(ADDRESS)

(APPLICANT ADDRESS) (PLEASE PRINT)

(ADDRESS)

(PHONE) (fax)

(PHONE) (FAX)

(APPLICANT SIGNATURE)

The above applicant hereby agrees to perform the work in accordance with the provisions and as set forth in **Chapter 26** as revised, of the City of Rockford, Code of Ordinance. Traffic control will be in accordance with Chap. F of the Illinois Highway Standards Manual.

(DESCRIPTION OF WORK) (GIVE DIMENSIONS OF LANDSCAPING OR PLANTER)

(LOCATION OF WORK - HOUSE ADDRESS & STREET NAME)

(WORK IS LOCATED BETWEEN THESE TWO SIDE STREETS)

_____ THRU _____ a.m. _____ p.m

(DATE WORK WILL BE DONE) (ESTIMATED WORK HOURS)

_____ THRU _____
(DATE TIMEFRAME THAT THE ENCROACHMENT WILL BE DISPLAYED)

***NOTE: EXCAVATING, CUTTING OR DIGGING OF CITY STREETS IS PROHIBITED FOR FIVE YEARS AFTER PAVING UNLESS WORK IS AN EMERGENCY AND THEN ONLY BY PERMISSION OF CITY ENGINEER.**

PROOF OF INSURANCE AND BOND WITH CITY REQUIRED
ENCROACHMENT FEE \$ 45.00

(INTERNAL PAY CODE 1010 61403)

(APPROVED BY) (PUBLIC WORKS DEPT.)

(DATE OF APPROVAL)

(FEE)

SPECIAL CONDITIONS

MUST CONTACT PUBLIC WORKS DEPARTMENT FOR FINAL INSPECTION AT 779-348-7174

AGREEMENT FOR MAINTENANCE OF ENCROACHMENT IN THE CITY OF ROCKFORD RIGHT-OF-WAY

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This Agreement is dated as of the _____ day of _____, 20____, by and between the CITY OF ROCKFORD, a municipal corporation, ("City"), and _____ ("Participant").

RECITALS:

WHEREAS, the Participant wishes to install an encroachment in the City of Rockford right-of-way; and

WHEREAS, the City wishes to permit such installation to encourage the beautification of the community, subject to the terms and conditions herein.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

<u>1. Installation.</u> <u># and Type</u>	Participant will install the following: <u>description of encroachment(s)</u>
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LOCATED AT: _____
(List street address or corner **and** ROW description, i.e. median, sidewalk, etc.)

Upon obtaining a permit to do so by the Department of Public Works. Participant agrees to abide by any conditions contained in the permit.

2. Maintenance. Participant agrees to maintain the encroachment, including weeding, watering and repairs. Participant agrees to maintain the encroachment in a clean and safe condition in the location approved.

3. Indemnification, Duty to defend, and Hold Harmless

To the fullest extent permitted by law, Participant agrees to indemnify and hold harmless the CITY OF ROCKFORD, a municipal corporation, and its officers, agents, representatives and/or employees from and against any and all claims, suits, liens, judgments, damages, losses and expenses, including legal fees and all court costs and liability (including statutory liability) arising in whole or in part and in any manner from injury and/or death of person or damage to, or loss of any property resulting from the acts, omissions, breach or default of the Participant, its officers, agents, members, employees, volunteers and subcontractors, in connection with the performance of any work done under this permit, by, or for, the Participant pursuant to any contract, except those claims, suits, liens, judgments, damages, losses and expenses caused by the negligence of the CITY OF ROCKFORD. Participant agrees to defend and bear all costs of defending any actions or proceedings brought against the CITY OF ROCKFORD, and its officers, agents, representatives and/or employees, arising in whole or in part from any such acts, negligence, reckless or willful misconduct, omission, breach or default directly or indirectly, by the Participant in the construction, existence, maintenance, or repair of the aforementioned encroachment. Participant also agrees to be responsible for any damage to the public right of way caused by any encroachment. The CITY OF ROCKFORD agrees that if it receives notice of any suit or claim for which the CITY OF ROCKFORD intends to exercise its rights under this clause, the CITY shall within a reasonable time of receipt of such suit or claim, notify the Participant in writing thereof.

4. City's Remedies for Noncompliance. If in the opinion of the City Engineer or his designee the encroachment(s) are not being maintained as required by this Agreement, the issued permit, and any applicable laws or regulations, the City Engineer or his designee may, upon notice described below, either: a. remove the encroachment, or b. elect to maintain the encroachment, but may subsequently remove with no further notice required. The City shall not be liable to the Participant in any way for said removal or takeover, and shall not be required to return the encroachment to the Participant. Prior to taking such action the City Engineer or his designee shall notify Participant of the maintenance deficiency in writing at the address herein or at such address Participant has designated in writing to the City as Participant's current address. The notice shall advise the Participant that the Participant has fourteen (14) days to correct the deficiency.

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- 5. Notices. All notice, requests, demands and other communication (collectively “Notices”) hereunder shall be in writing and given by personal delivery or U.S. mail, postage prepaid, at the following addresses or at such other addresses as the parties may designate by Notice given in the above-described manner:

City:
CITY OF ROCKFORD
Department of Public Works
City Engineer
425 E. State Street
Rockford, IL 61104

Name: _____
Address: _____

Participant: _____

Notice of suit or claim to:
CITY OF ROCKFORD
Legal Director
425 E. State Street
Rockford, IL 61104

Notice shall be effective upon receipt or upon attempted delivery if delivery is refused or impossible because the recipient has failed to provide a reasonable means for accomplishing delivery.

IN WITNESS WHEREOF, the City and Participant have executed this Agreement on the date above first written.

CITY OF ROCKFORD
By: _____
City Engineer

PARTICIPANT

Org. _____
Title. _____

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Policy on Obstructions/Encroachments within City Right-of-Way

The City Council has adopted regulations as identified in Chapter 26; Streets, Sidewalks, and Other Public Places, of the Rockford Code of Ordinance which regulates the use of public right-of-way and within said chapter, Article II; Obstructions/Encroachments, requires approval by the City Engineer prior to any person obstruct or encroach on any public right-of-way.

Furthermore, the right-of-way is there for the benefit of the public and to support utility services and mains and to provide safety to our citizens and workers. It is the intent of this policy to provide direction and procedures for obstructions and encroachments in the right-of way. Obstructions/Encroachments include but are not limited to boulders, landscaping blocks, timbers, bricks, fencing, bushes, hedges, flowers, trees, signs, banners, benches, fences, trellises, planter boxes, canopies, overhangs, and any other items that is not concrete or asphalt pavement for driveways or sidewalk, or US approved post boxes.

No obstruction/encroachment may be placed with the City's right-of-way unless a permit application has been submitted to and approved by the Public Works Department. Along with the permit the property owner shall complete a Hold Harmless Agreement and a Maintenance Agreement for said obstruction/encroachment if that item is allowed in the right-of-way unless otherwise not required in this policy. Obstructions/encroachments must meet the following requirements prior to approval:

Trees:

The Hold Harmless and Maintenance Agreements are not required. With the permit application there is a list of trees approved for the City right-of-way.

Flowers:

The Hold Harmless and Maintenance Agreements are not required. Flowers may be no taller than three (3) feet in height. No bark, mulch, stone, sand, or loose dirt shall be placed around the flowers. The flowers may only be planted in grass. If sidewalk exists, then no additional clearance is required. If sidewalk does not exist, then a five (5)-foot walking path must be maintained.

Hedges & Bushes:

Not permitted under any circumstance. If existing they must be located behind the sidewalk. If sidewalk does not exist, then the hedges/bushes may not be any closer than 5 feet from edge of pavement or back of curb. If located within this 5 feet then they must be removed at the property's owner expense.

Bark, Mulch, Stone, Sand, or Loose Dirt:

Not permitted under any circumstance. If existing they must be removed at the property owner's expense. This enters into the storm sewer system and blocks the flow of water and, in turn, backs water up onto private property. Loose dirt may remain if the area is in the process of final restoration and grass seed has been planted.

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Trellises:

Not permitted under any circumstance. If existing they must be removed at the property owner's expense.

Irrigation Systems:

Irrigation systems are permitted with the condition that a backflow preventer is installed on the system. If the irrigation system exists and does not have a backflow preventer then it must be removed at the property owner's expense or a backflow preventer installed.

Boulders:

Not permitted under any circumstance. For existing conditions the property owner must sign a Hold Harmless Agreement or the boulder must be removed at the property owner's expense. In some instances they may need to be removed regardless depending on location.

Planter Boxes:

Approval of the planter box depends on the location of the planter box. Planters may only be placed within the business districts unless otherwise approved by the Public Works Department. The plantings shall coincide with the America in Bloom planters with the Rockford Park District Foundation.

Landscaping timber/blocks/bricks:

Not permitted unless required to provide stabilization due to existing grade conditions and approved by the City Engineer. For existing conditions the property owner must sign a Hold Harmless Agreement or they must be removed at the property owner's expense. In some instances they may need to be removed regardless depending on location.

Canopies/Overhangs/Signs:

Canopies/Overhangs/Signs are only allowed for businesses and must be located on the property of the business. If the canopy/overhang/sign overhangs the sidewalk it must be a minimum of nine (9) feet from the bottom of the sign to the sidewalk and shall not extend more than four (4) feet into the public right-of-way and may be no closer than three (3) feet from the edge of pavement or back of curb. Canopies/Overhangs/Signs must conform to the current Zoning and Building regulations.

Neighborhood Organization signs are permitted at the discretion of the City Engineer on a case by case basis depending on the size and location that is requested.

Fences:

Fences in the right-of-way are only allowed in the downtown district for permitted Outdoor Cafes and security for basement apartments. A minimum of six (6) of clear sidewalk must be maintained. Unless the fencing is removed nightly the fencing material must be made of material approved by the City Engineer and Zoning Officer and no more than three (3) feet high.

Underground fences (ie dog fences) are not permitted in the right-of-way. If existing they must be removed at the property owner's expense.

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Banners:

Banners in the right-of-way must be in accordance with Chapter 26 of the City of Rockford Code of Ordinances.

Benches:

Benches must be in accordance with Chapter 26 of the City of Rockford Code of Ordinances.

Drop Boxes:

Drop boxes require a permit and yearly renewal.

Driveways:

A permit must be obtained for driveways and sidewalks as per the Driveway/Sidewalk policy adopted on April 20, 2009.

All items permitted in the City right-of-way must be maintained by the property owner or the City will require removal. If the City must remove a permitted or non-permitted item it will be at the property owner's expense. If at any time the City or another utility company must perform construction in the area of the item, the property owner will be given the opportunity to remove the item prior to the contractor removing the item, unless it is an emergency. The contractor, City or utility company is not responsible for placing the item back in the right-of-way and will not guarantee the condition of that item when removed. If at any time the City Engineer deems an obstruction/encroachment a safety hazard it must be removed at the property owner's expense regardless of the above requirements.