

FILE

ORDINANCE NO. 121406-A

*The Road District Highway Commissioner  
Has Established an Ordinance for a Permit Fee and  
Property Damage Deposit for R.O.W./Driveway/Culvert Permits in  
The McHenry Township Road District*

WHEREAS, the McHenry Township Road District (the "District") exists as a township road district under the laws of the State of Illinois;

WHEREAS, certain roads are located in the District, with such roads including driveways which extend from such roads onto and into private property and culverts which extend under such roads to carry the flow of water in an orderly fashion;

WHEREAS, under Section 6-201.8 of the Illinois Highway Code (605 ILCS 5/6-201.8), the McHenry Township Highway Commissioner (the "Commissioner") has general charge over the roads in his district;

WHEREAS, the Commissioner finds that it is in the best interest of the District that the construction of driveways and culverts be regulated to insure the proper maintenance of such roads, with an appropriate fee to cover the review of the District and with an appropriate deposit to cover the quality of such construction;

WHEREAS, an R.O.W./driveway/culvert permit is needed in McHenry County before a building permit can be issued by the McHenry County Planning and Development Department;

NOW, THEREFORE, BE IT ORDAINED, by the McHenry Township Highway Commissioner, McHenry Township, McHenry County, Illinois, as follows:

Section 1. Recitals. The recitals set forth above in this ordinance are re-stated here, as if fully set forth here.

Section 2. R.O.W./Driveway/Culvert Permit Fee. That a R.O.W./driveway/culvert permit fee, to be determined from time to time by the Commissioner, shall be paid to the township in the amount of \$ 150.<sup>00</sup> at the time a R.O.W./driveway/culvert permit application is submitted.

Section 3. Property Damage Deposit Required.

A. Before commencing any construction for which an R.O.W./driveway/culvert permit is required, the Commissioner may require the person obtaining the permit to make a bond deposit with the District. The bond Deposit shall cover the cost of repairing any damage which may be done to District property. The bond deposit shall be in the amount of at least \$ 1000.<sup>00</sup>, as determined by the Highway Commissioner, and be delivered to the

District in a cashier's check, money order or personal check made payable to the District.

- B. The bond deposit shall be held by the District, at the discretion of the Commissioner, for a period of not more than 1 yr.. If, after the construction is completed, no damage has occurred on District property or to the culvert, the total amount of the bond deposit may be released to the party making the deposit, upon request. Any deposit not claimed within 1 yr. shall be deemed donated to the District and shall be deposited into a fund of the District for use at the discretion of the Highway Commissioner.
- C. In the event the District property sustains damage, that portion of the bond deposit necessary to effect repairs shall be retained by the District; the balance shall be subject to release to the party making the deposit.
- D. If the cost of repairs to the District property exceeds the amount of the bond deposit, such additional costs shall be charged to the owner of the property and/or the person issued the permit and it shall become immediately due and payable upon the owner and or the person issued the permit, receiving written notice of the amount by which the cost of repairs exceeds the bond deposit.
- E. In the event an occupancy permit is issued before the Highway Commissioner's final inspection is completed and signed off, the bond deposit becomes the property of the District.
- F. In lieu of any interest payment on the bond deposit, the Road District considers it part of the administration costs.
- G. The owner and/or the person issued the permit shall be responsible for the cost of all expenses relating to the enforcement of the provisions of this ordinance, including but not limited to reasonable attorney fees.

Section 4. Publication. The Commissioner shall prepare a copy of this ordinance for purposes of making this ordinance available in the Mc Henry Township Offices for a continuous period of at least ten days after its passage. Copies of this ordinance shall also be available for public inspection upon request in the office of the Mc Henry Township Clerk as *ex-officio* clerk of the Road District.

Section 5. Savings Clause. If a court or competent jurisdiction determines that any section, paragraph, sentence, word, or other portion of this ordinance is invalid or unenforceable, such judgment shall not affect the remainder of this ordinance, with such remainder continuing in full force and effect.

Section 6. Conflicts with Prior Ordinances. All prior ordinances, resolutions, or parts thereof in conflict with the provisions set forth in this ordinance are hereby repealed to the extent of such conflict with this ordinance prevailing over said prior ordinances.

Section 7. Effect. This ordinance shall be in full force and effect upon adoption, as set forth above, and published as provided by law.

Dated: 12-14-06

\_\_\_\_\_ TOWNSHIP ROAD DISTRICT

By: \_\_\_\_\_  
Township Highway Commissioner

Attest: Bruce Novak  
12-14-06 Township Clerk

[Signature]  
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W. A. P. Nest  
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Kathleen Kuchta  
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Jerry R. Coles  
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Dennis A. Penner  
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