

VILLAGE OF GILBERTS

KANE COUNTY

STATE OF ILLINOIS

ORDINANCE NUMBER 16-2017

An Ordinance Amending the Village Code Regarding Driveway Approaches

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF GILBERTS
KANE COUNTY
STATE OF ILLINOIS**

July 11, 2017

**Published in pamphlet form by authority of the President and Board of Trustees of
the Village of Gilberts, Kane County, Illinois this *11th* day of *July* 2017**

VILLAGE OF GILBERTS

AN ORDINANCE AMENDING THE VILLAGE CODE
REGARDING DRIVEWAY APPROACHES

WHEREAS, the Village of Gilberts is an Illinois municipal corporation operating in accordance with the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village Code of the Village of Gilberts ("*Village Code*") only allows new driveway approaches within the public right of way to be constructed of cement; and

WHEREAS, the Village desires to allow new driveway approaches within the public right of way to be constructed of driveway pavers, subject to certain conditions; and

WHEREAS, the Village finds it to be in the best interest of the health, safety, and welfare of the citizens of the Village of Gilberts, Illinois, to amend the Village Code to allow for new driveway approaches in the public right of way to be constructed of driveway pavers.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The recitals listed above are incorporated into this Ordinance as if fully set forth in this Section 1.

SECTION 2. AMENDMENT. Section 9-8A-5, entitled "Materials" of the Village Code of the Village of Gilberts is hereby by amended as follows:

9-8A-5: MATERIALS:

Any new driveway across a sidewalk and any driveway approach adjacent to improved streets and within the public right of way shall be constructed of Portland cement concrete or driveway pavers. If the street is unimproved, a two inch (2") thick bituminous concrete surface on a stone base six inches (6") thick shall be permitted. Driveway pavers may only be used to construct driveway approaches that serve a single-family dwelling. The pavers used to construct a driveway approach must be identical to the pavers used to construct the driveway itself. All driveway pavers must conform to ASTM Standard C140. A property owner seeking to construct a driveway approach using driveway pavers must execute a liability waiver in a form approved by the Village. Notwithstanding the foregoing, a property owner may replace an existing asphalt driveway approach with asphalt.

SECTION 3. SEVERABILITY. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and

effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

SECTION 4. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 11th day of July, 2017.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Elissa Kojzarek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Nancy Farrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Jeanne Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Lou Hacker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Guy Zambetti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Rick Zirk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED THIS 11th DAY OF July, 2017


 Village President, Rick Zirk




 Village Clerk, Debra Meadows

Published: July 12, 2017

**VILLAGE OF GILBERTS
WAIVER AND RELEASE OF LIABILITY
FOR CONSTRUCTION OF A DRIVEWAY APPROACH WITH DRIVEWAY PAVERS**

The property owner or owners identified below (“Owner”) desires to construct a driveway approach using driveway pavers on Village right-of-way located at or adjacent to the property located at _____, Gilberts, Illinois (“Driveway Approach”). In accordance with section 9-8A-5 of the Village Code, the Owner hereby releases and forever discharges the Village of Gilberts, its elected and appointed officials, officers, employees, contractors, subcontractors, agents, and assigns from any and all claims, causes of action, lawsuits, damages, judgments, demands and liabilities, including, but not limited to attorneys’ fees and court costs, arising from, related to, or in any way connected with the Owner’s installation, maintenance, or use of the Driveway Approach.

The Owner agrees and acknowledges that the Village will have no obligation to maintain, repair, or replace the Driveway Approach. The Owner agrees that in the event that the Village, its employees, agents, assigns, or contractors engage in any work within the right-of-way which causes damage to any portion of the Driveway Approach, the Village will have no responsibility to repair or replace the Driveway Approach or reimburse the Owner for any damage caused to the Driveway Approach.

In addition, the Owner expressly waives any right to make any claim or demand or bring any cause of action against the Village or its elected and appointed officials, officers, employees, agents, contractors, or subcontractors arising out of or related in any way to the Driveway Approach, including, but not limited to, any claims or demands relating to the Village’s use or maintenance of the right-of-way.

This Waiver and Release of Liability will serve to bind the Owner and any of the Owner’s successors and assigns, and will remain in effect so long as the Driveway Approach at the property is constructed of driveway pavers.

The Owner states that he/she has read and understands that this is a Waiver and Release of Liability, and that the Owner intends to be legally bound by the same.

PROPERTY OWNER

Name: _____

Address: _____

Date: _____

Signature(s): _____
