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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** ANTHONY SPECIALE, DIRECTOR OF PUBLIC WORKS  
BRAD MERKEL, DEPUTY DIRECTOR OF PUBLIC WORKS  
**SUBJECT:** DISCUSSION ORDINANCE AMENDING SECTION 7-5-15  
**AGENDA:** MAY 5, 2020 REGULAR BOARD MEETING  
**DATE:** APRIL 29, 2020

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**ISSUE**

Should the Village Board amend section 7-5-15 of the Village Code of Ordinances Requiring Rear Yard Installation for Certain Utilities.

**DISCUSSION**

The Village received notification from ComEd that they intend to start locating their utility facilities in the front of properties. It is staff's position that this is not recommended for several reasons listed below.

1. Conflicts with existing Village owned Utilities locations (Water, Sewer, Storm Sewer and Street lights).
2. Conflicts with existing Gas main locations.
3. Unsightly above ground transformers and pedestals located in the front of the lot.

Cables will be required to be in conduit, which is provided and paid for by the developer.

Staff recommends that the Village Board Amend the Village Ordinance 7-5-15 to require rear yard installation for Certain Utilities. The draft is attached for review.

**COST**

The cost for the Village Attorney to draft the Ordinance and the Village Engineer to review the Ordinance is approximately \$2,000.

**RECOMMENDATION**

The Village Board direct staff to prepare the Amended ordinance for approval at the May 19, 2020 Regular Village Board meeting.



**VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS**

**Ordinance No. 2020 \_\_\_\_\_**

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**An Ordinance Amending Section 7-5-15 of the Village Code of Ordinances  
(Requiring Rear Yard Installation for Certain Utilities)  
Village of Sugar Grove, Kane County, Illinois**

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Adopted by the  
Board of Trustees and President  
of the Village of Sugar Grove  
this 19<sup>th</sup> day of May, 2020.

Published in Pamphlet Form  
by authority of the Board of Trustees  
of the Village of Sugar Grove, Kane County,  
Illinois, this 19<sup>th</sup> day of May, 2020.

**ORDINANCE NO. 2020\_\_\_\_\_**

**An Ordinance Amending Section 7-5-15 of the Village Code of Ordinances  
(Requiring Rear Yard Installation for Certain Utilities)  
Village of Sugar Grove, Kane County, Illinois**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

**WHEREAS**, the Village of Sugar Grove (“Village”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, seeks to act pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations governing the use of public right-of-way and that protect the public health, safety, and welfare of its citizens; and,

**WHEREAS**, pursuant to the authority granted under the Illinois Municipal Code (65 ILCS 5/*et seq.*) and the Public Utilities Act (220 ILCS 5/*et seq.*), the Village finds it necessary and appropriate to promulgate additional regulations with regard to the installation of certain utilities.

**NOW, THEREFORE**, be it ordained by the corporate authorities of the Village of Sugar Grove as follows.

**SECTION ONE: AMENDMENT TO SECTION 7-5-15 TO REQUIRE REAR YARD  
INSTALLATION FOR CERTAIN UTILITIE**

The following provision of the Village of Sugar Grove Code of Ordinances shall be amended as follows to include the following provision:

**Section 7-5-15(H) Requiring Rear Yard Installation for Certain Utilities:**

Easements for utility services shall be provided as required by the utility companies, the Village, or the State, centered along the rear of each lot, and along side lot lines where necessary, to provide for proper continuity of utility lines from lot to lot and block to block. For all new utilities, including electrical distribution lines, wires of all kinds shall be placed underground in the rear yard. The Director of Public Works or his or her designee, in his or her sole discretion, may approve side-yard or other alternative locations on a case-by-case basis in instances where a rear yard installation is not technically feasible and/or warranted by exigent circumstances. Appurtenances to these systems that require aboveground installation, including utility panel boxes, are exempt from this requirement. All utility infrastructure shall be concealed from public view wherever possible.

**Section 7-5-15(I) Appearance Standards:**

1. The village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right of way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

Any provision or subsections thereof not specifically enumerated herein shall remain in full force and effect.

**SECTION TWO: GENERAL PROVISIONS**

REPEALER: All ordinances or portions thereof in conflict with this Ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction; the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 21<sup>st</sup> day of April, 2020.

\_\_\_\_\_  
 P. Sean Michels  
 President of the Board of Trustees  
 of the Village of Sugar Grove, Kane  
 County, Illinois

ATTEST: \_\_\_\_\_

Alison Murphy, Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Heidi Lendi	___	___	___	___
Trustee Jennifer Konen	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Ted Koch	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Village President P. Sean Michels	___	___	___	___

Locating utility facilities in the front of a property (front lot) is an accepted and standard practice across the electrical utility industry. While ComEd has typically installed in rear lot easements, front lot installations have become more and more common across our territory. Following a thorough analysis of our current standards ComEd will be requiring new residential subdivisions, non-designed phases of existing subdivisions and certain single residential builds to incorporate front lot easements in their design. If front lot easements cannot be provided, rear lot easements will be necessary, and cables will be required to be in conduit which is provided and paid for by the developer. This decision was made after reviewing our own and industry best practices, consultation with dozens of electrical utilities across the country and conversing with other utilities in our territory such as NICOR, AT&T and cable companies. The other utilities expressed no concern about this change. Additionally, ComEd has socialized this change to national builders in monthly Developer Meetings.

This change will offer benefits to your residents such as increased reliability and improved restoration times, avoidance of rear-lot conflicts, improved security and unrestricted use of their back yards. Additionally, with front lot facilities our customers will avoid the impact to their property that sometimes comes along with the performance of work in their rear yard thus improving overall enjoyment of their property and avoiding issues created by the need to occasionally work outside of existing rear lot easement. This direct and unobstructed access to our equipment in the front lot is also a safety benefit to the women and men of ComEd charged with maintaining reliability.

As previously mentioned, front lot facilities are not new, ComEd has utilized them for many years and they are becoming increasingly more common. These facilities will require easements outside of the municipal utility right of way and therefore do not implicate ComEd's rights and responsibilities with regards to its franchise agreements for access to the public way. As we do today, ComEd will continue to comply with applicable municipal ordinances and the terms of its franchise agreements and, where practicable, will continue to coordinate construction activities in the public way. Through our thorough study of this standard change it was identified that the impact of this change is cost neutral as it pertains to facilities. A decision to utilize rear lot facilities and other design decisions (such as placement of a meter pedestal), whether by the builder or municipality, is what may potentially impact the cost to customers. ComEd will continue to comply with the terms of the franchise agreement, all applicable laws and regulations, ComEd's tariffs (as approved by the Illinois Commerce Commission), and ComEd's standards.

What follows is a list of items that will change and will not change as a result of this new standard. There are pictures which show schematics of a subdivision designed both rear and front lot as well as ComEd's facilities in relation to other utilities. We are also including pictures of existing facilities that have been installed in our territory and examples of ways customers have chosen to landscape around those facilities.

What is changing:

- Beginning February 3, 2020, ComEd will require residential subdivisions to be designed with electrical facilities in the front lot which means builders and developers will need to obtain front lot easements
- If electrical facilities are to be installed in the rear lot, rear lot easements will be required and primary voltage cables, secondary voltage cables and service cables will be required to be in conduit

What is not changing:

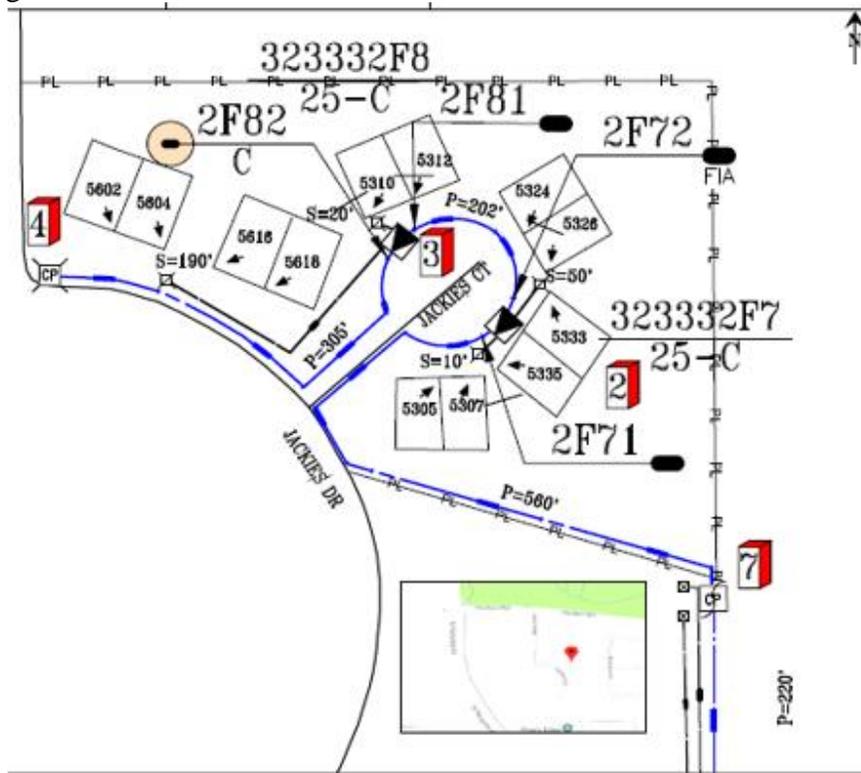
- Installations meeting the requirements of ComEd's Front Lot Standard will not incur additional cost
- ComEd will continue to comply with the terms of the franchise agreement as well as municipal codes/ordinances
- ComEd will continue to comply with all applicable laws and regulations, ComEd's tariffs (as approved by the Illinois Commerce Commission), and ComEd's standards.
- ComEd will continue to communicate with developers, customers and municipalities to coordinate our work efforts and ensure all needs are met
- There is no change to our current clearance or landscaping requirements
  - o Landscaping costs will continue to be the responsibility of the customer
  - o ComEd requires a minimum clearance of 6' for pedestals and 8' for transformers and switchgear
- The responsibility and expense to install conduit when needed will remain the responsibility of the developer
- Requirements for lot line or diagonal cable installation will remain the same and ComEd will continue to work within existing ordinances covering this
- ComEd will continue to seek applicable permission when work outside of the easement is required
- ComEd will maintain the requirement allowing customers free service from the shortest point from the ComEd facility to their home/building up to 100'. Distances which extend beyond that shortest point will incur additional costs

Existing Facilities and Customer Landscaping

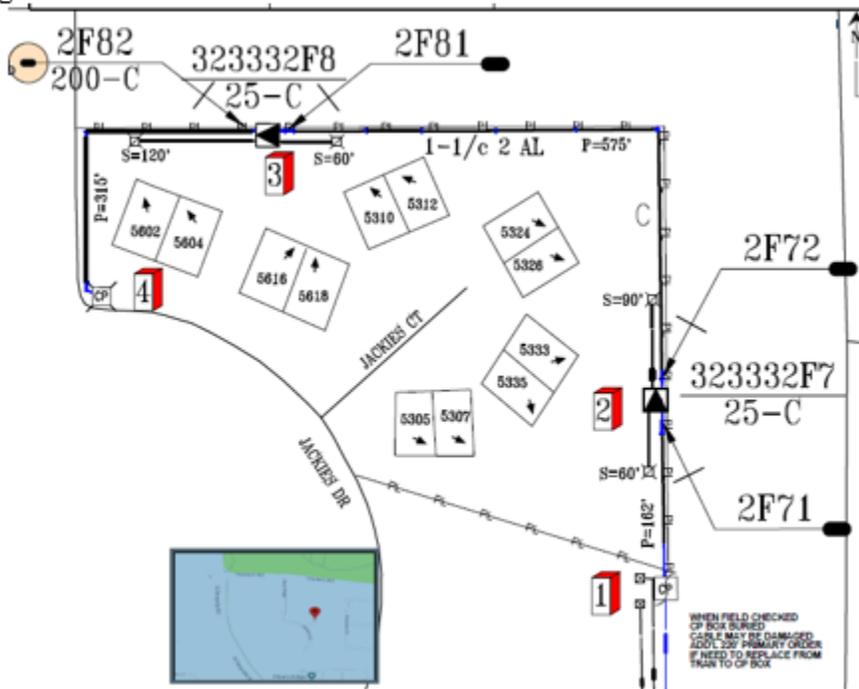


Front and Rear Lot Designs of same subdivision

Front Lot Design



Rear Lot Design





ComEd facilities (black and blue) in relation to other utilities

