

ARTICLE IV. DRIVEWAYS

10-20-390 Definitions.

For purposes of this article, the following definitions shall apply:

“Commercial driveway” means any Class B driveway as specified in section [10-20-420](#) of this Code.

“Commissioner” means the city’s commissioner of transportation.

“Director” means the city’s director of revenue.

“Long-term leaseholder” means a person holding a lease, with a minimum term of 10 years, for a property to which a driveway is connected or to be connected.

(Added Coun. J. 6-30-10, p. 95412, § 1)

10-20-400 Supervision.

The authorization for, and issuance of, a use of public way permit for driveways shall be under the direction and supervision of the commissioner, and the location and construction of the same shall be in accordance with the plans and specifications as approved by the commissioner.

(Prior code § 33-14; Amend Coun. J. 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37762, § 27; Amend Coun. J. 6-9-99, p. 5453; Amend Coun. J. 6-30-10, p. 95412, § 1)

10-20-405 Use of public way permit required.

No person shall hereafter establish or maintain any driveway over, across or upon any public sidewalk or public parkway without first obtaining a use of public way permit from the commissioner as hereinafter provided.

(Prior code § 33-15; Amend Coun. J. 1-14-97, p. 37762, § 28; Amend Coun. J. 6-9-99, p. 5453; Amend Coun. J. 6-30-10, p. 95412, § 1)

10-20-410 Permit application – Insurance required.

No use of public way permit for a driveway shall be issued until a written application therefor has been made by the owner or, with the consent of the owner, a long-term leaseholder of the property to which the proposed driveway is to be connected to the commissioner and the certificate of insurance herein provided for has been filed with the commissioner.

(Prior code § 33-16; Amend Coun. J. 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37762, § 29; Amend Coun. J. 6-9-99, p. 5453; Amend Coun. J. 6-30-10, p. 95412, § 1)

10-20-415 Application – Insurance – Notice – Appeal.

(a) Application in writing for a use of public way permit for a driveway shall be made to the commissioner on forms prescribed by the commissioner, and shall contain the name and address of the owner or leaseholder making the application, the use of the property with which the proposed driveway is to be connected, including a description of the type of business activity to be performed on the property, and whether in the building thereof it will be necessary to cut down or alter the street curb or elevate or depress the existing grade of sidewalks or parkways, and a sketch showing the proposed location and dimensions of such driveway, the location of adjacent streets and alleys and any other driveways connected with the property. An application shall be approved and a permit issued only upon a determination of the commissioner, upon consultation with the following departments, that the driveway will not (1) create undue safety hazards in the use of the street, parkway or sidewalk by vehicular or pedestrian traffic, nor (2) impede the safe and efficient flow of traffic upon the streets and sidewalks adjoining the property for which the driveway is proposed, and upon his or her determination that the existing and proposed use of the property to be connected by said driveway is in all respects in conformity with existing traffic, zoning and building ordinances. The commissioner shall refer applications (1) to the zoning administrator for review and advice as to the zoning and building aspects incident to such determination, and (2) to the commissioner of water management for review and advice as to the drainage structure, manhole and sewer aspects, and hydrant and water control valve aspects incident to such determination. In the event that the construction of the driveway will require the city to incur costs in making modifications to, over, or under the public way, the applicant shall be provided with an estimate of such costs and no use of public way permit for a driveway shall be issued until the applicant has first paid to the city the amount of the estimate. In the event that the city's cost to make such modifications is less than the estimate, the amount of the surplus shall be returned to the permittee. In the event that the city's cost to make such modifications is greater than the estimate, the commissioner is authorized to assess the permittee for the amount of the deficiency.

(b) Plans and specifications of such driveway, in accordance with standard specifications established by the commissioner, shall be submitted to the commissioner and shall be accompanied by proof of insurance against any liability, loss or claim arising out of the issuance of the permit, or out of the permitted disturbance of the public way or part thereof. Such insurance shall be issued by an insurer authorized to do business in Illinois, shall name the city, its officers, employees and agents as additional insured and shall be in an amount no less than \$250,000.00 per occurrence for a Class A use of public way permit (as defined in Section [10-20-420](#)), and in an amount no less than \$1,000,000.00 per occurrence for a Class B use of public way permit (as defined in Section [10-20-420](#)). The insurance policy shall be kept in force throughout the life of said permit, and if at any time during the life of said permit said insurance shall not be in full force, then the authority and privileges herein granted shall thereupon cease. With respect to a Class B use of public way permit (as defined in Section [10-20-420](#)), the insurance policy shall provide for written notice to the commissioner within 30 days of any lapse, cancellation or change in coverage. The commissioner in his or her discretion

may require, instead of such insurance, any alternative form of indemnity, protection or security that he or she deems necessary to accomplish the above- described purposes.

(c) Every application for a use of public way permit for a driveway shall provide that, as a condition for receiving the permit, the applicant shall indemnify, keep and save harmless the city against all liabilities, judgments, costs, damages and expenses which may in any way come against said city in consequence of the granting of said permit, or which may accrue against, be charged to or recovered from said city from, or by reason, or on account of any act or thing done by the grantee by virtue of the authority given in said permit, or by reason or on account of any defect in the construction or design of said driveway or by reason or on account of the failure to maintain said driveway in good condition and repair and free and clear of snow, ice or obstruction of any kind.

(d) Prior to issuing a use of public way permit for a driveway, the commissioner shall give 20 days written notice of the proposed issuance of the permit to the alderman of the ward in which the proposed driveway is to be located and no permit shall be valid unless such notice is delivered; provided, however, that the affidavit of the commissioner showing delivery of such notice to such alderman in person or by mailing to such address as the alderman may have filed with the city clerk, shall be conclusive evidence of delivery of such notice.

If the commissioner shall refuse to grant a driveway permit, the applicant may appeal to the mayor. Such appeal shall be made within 20 days after the commissioner sends written notice of such refusal to the applicant. Upon written notice by the applicant, the commissioner shall transmit to the mayor the application and all other relevant papers and data. The mayor may then approve the application and issue such permit only if he makes the determination hereinbefore provided for the issuance of such driveway permit. A final administrative decision of the mayor hereunder shall be subject to judicial review as provided by law.

(e) The commissioner is hereby authorized and directed to refuse applications for driveway permits in all cases where frontage consents are required until such time as proof is made of the filing of said frontage consents with the zoning administrator.

(Prior code § 33-17; Amend Coun. J. 9-13-89, p. 4604; 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37762, § 30; Amend Coun. J. 6-9-99, p. 5453; Amend Coun. J. 12-4-02, p. 99026, § 1.10; Amend Coun. J. 12-7-05, p. 64870, § 1.9; Amend Coun. J. 11-19-08, p. 47220, Art. IX, § 1; Amend Coun. J. 12-2-09, p. 78837, Art. 1, § 7; Amend Coun. J. 6-30-10, p. 95412, § 1)

 **10-20-420 Permit classes and fees.**

(a) Permit classes and fees for the establishment and maintenance of driveways under this article shall be as follows:

<i>Permit Class</i>	<i>Fee per Driveway</i>
(1) Class A	

- | | |
|---|-----------------------------|
| (i) Residential - not to exceed 4 units | a one-time fee of \$10.00 |
|
(2) Class B | |
| (i) driveways up to 25 feet wide | an annual fee of \$100.00 |
| (ii) driveways greater than 25 feet wide and less than 50 feet wide | an annual fee of \$120.00 |
| (iii) driveways greater than or equal to 50 feet wide and less than 80 feet wide | an annual fee of \$175.00 |
| (iv) driveways greater than or equal to 80 feet wide and less than 120 feet wide | an annual fee of \$235.00 |
| (v) driveways greater than or equal to 120 feet wide and less than 200 feet wide | an annual fee of \$335.00 |
| (vi) driveways greater than or equal to 200 feet wide and less than 500 feet wide driveways | an annual fee of \$635.00 |
| (vii) greater than 500 feet wide | an annual fee of \$2,000.00 |

Provided that any place used exclusively for charitable, educational or religious purposes shall, after payment of the first year's permit fee, be exempt from payment of the annual permit fee thereafter.

For purposes of this subsection, the width of a driveway shall be measured at its widest point.

(b) The permit fee for each driveway within the Central Business District, as that area is defined in Section [9-4-010](#) of the Code, shall be twice the amount set forth in subsection (a) above; provided that Class A permits and any place used exclusively for charitable, educational or religious purposes shall be exempt from the provisions of this subsection.

(c) For all Class A and Class B permits, a new permit fee shall be paid by the owner or long-term leaseholder upon any change of ownership or leaseholder in the property serviced by the driveway.

(d) Any driveway permit fee, along with any associated interest and penalty imposed in accordance with Section 10-20-450 of this Code, shall be paid to the department of revenue.

(e) Driveway permit fees shall be paid and driveway permits shall be renewed as provided by rules and regulations promulgated by the director.

(Prior code § 33-18; Amend Coun. J. 12-21-88, p. 23170; Amend Coun. J. 11-17-93, p. 42192; Amend Coun. J. 1-14-97, p. 37762, § 31; Amend Coun. J. 12-4-02, p. 99026, § 6.1; Amend Coun. J. 6-30-10, p. 95412, § 1)

10-20-425 Plans and specifications.

No use of public way permit shall be issued for any driveway until plans indicating the location, configuration and specifications therefor and the use of the property with which the proposed driveway is to be connected, including a description of the type of business activity to be conducted on the property, have been submitted to and approved by the commissioner, who may refer said plans and specifications to other appropriate departments for review and advice. No alteration or change from the terms of said permit, including any change in the use of or type of business activity conducted on the property to which the driveway is connected, and, with respect to a Class B permit, any change in ownership, shall be made without the written consent thereto of the commissioner.

(Prior code § 33-19; Amend Coun. J. 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37762, § 32; Amend Coun. J. 6-9-99, p. 5453; Amend Coun. J. 5-14-08, p. 27488, § 1; Amend Coun. J. 6-30-10, p. 95412, § 1)

10-20-430 Commercial driveway permits.

All commercial driveway permits are subject to immediate revocation and driveways closed and ordered removed at owner's expense unless the permit holder complies with the following requirements:

a. All property requiring a commercial driveway permit must have a physical barrier to prevent alley access, unless exempted by the city council. Any such exemption shall apply only to the owner for whom and use for which granted. In the event of a new owner or new use, a new exemption must be obtained.

b. This physical barrier must be erected within 60 days after issuance of a permit and shall either be steel guardrail constructed in compliance with this Code or other barrier (except wheel stops) approved by the commissioner.

(Prior code § 33-19.1; Added Coun. J. 12-14-88, p. 21369; Amend Coun. J. 12-11-91, p. 10925; Amend Coun. J. 1-14-97, p. 37762, § 33; Amend Coun. J. 6-9-99, p. 5453; Amend Coun. J. 5-14-08, p. 27488, § 1; Amend Coun. J. 6-30-10, p. 95412, § 1)

10-20-435 Alley access to parking structure permitted when.

No alley access shall be permitted to any parking lot or garage if the capacity at that lot or garage is in excess of six spaces, unless approved by the city council.

(Prior code § 33-19.2; Added Coun. J. 12-14-88, p. 21369; Amend Coun. J. 1-14-97, p. 37762, § 34; Amend Coun. J. 4-9-03, p. 106709, § 1)

10-20-440 Construction.

Where driveways are to be built across the sidewalk spaces, unless otherwise expressly authorized they shall conform to the sidewalk grade. Such driveways shall be constructed of concrete eight inches in depth and shall otherwise comply with applicable regulations. Provided, however, that in the case of driveways across viaduct sidewalks or existing residential asphalt driveways, variations of construction and materials to conform to existing condition may be made when approved by the commissioner.

No driveway shall be so constructed as to prevent free and unobstructed passage on, over or across the same, or in such a manner as to interfere with the proper drainage and safe grading of the streets. No driveway shall be constructed across intersecting sidewalks. Gradual approaches to the regular sidewalk grade shall be made from the grade of the driveway. The slope of any driveway and the approaches thereto shall not exceed one inch vertical to one foot horizontal nor be less than one-fourth inch vertical to one foot horizontal in any direction, except that the slope from street curb line shall not exceed one inch vertical to one foot horizontal.

(Prior code § 33-20; Amend Coun. J. 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37762, § 35; Amend Coun. J. 6-30-10, p. 95412, § 1)

 **10-20-442 Driveways rendered unusable – Removal and restoration.**

(a) No person shall maintain any driveway over, across or upon any public sidewalk or public parkway if the property to which the driveway is connected has a permanent barrier, including, but not limited to, a fence, wall, building or landscaping which prevents the ingress and egress of vehicles to the property from the driveway. A use of public way permit issued for a driveway maintained in violation of this section may be revoked by the commissioner.

(b) (1) If a business served by a commercial driveway ceases operation and there is no business activity conducted at that location, the owner of the property to which the driveway is attached or the grantee of a public way permit for the driveway shall, at his own expense, erect, within ten days of cessation of the business, a barrier across the driveway to prevent access to the property. The design of the barrier shall be approved by the commissioner. If the cessation of the business activity continues for a period of 180 consecutive days, the owner or grantee shall, at his expense, remove the driveway and restore the sidewalk, parkway, curbs, gutters, and any trees and landscaping required by the provisions of this Code; provided that the commissioner may waive this requirement for the following reasons:

(A) the property to which the driveway is attached is either (I) under a contract for sale and the sale will be completed within a reasonable time period, or (ii) the property is for sale and is actively being marketed; and

(B) the owner of the property has erected a barrier across the driveway pursuant to the provisions of this subsection.

(2) The owner of the property or the grantee of a public way permit subject to the provisions of subsection (b)(1) of this section shall, at his own expense, erect, within ten days of cessation of the business, a barrier to prevent alley access notwithstanding any contrary provision of any other ordinance. The design of the barrier shall be approved by the commissioner.

(c) Whenever the commissioner determines that the property to which a driveway is attached has been physically rendered unusable as a driveway in violation of this section, the commissioner may order the driveway removed and the sidewalk and public parkway space where the driveway is located restored to its proper condition so that the portion of the sidewalk and public parkway space used for the driveway shall be safe for public travel and in the same condition as the remaining portion of the sidewalk and public parkway space. The provisions of this section shall not apply to driveways attached to residential dwellings of three units or less.

(d) Any person who violates the provisions of this section shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each day a violation continues shall constitute a separate and distinct offense. If the owner of the property to which the driveway is attached or the grantee of a use of public way permit that was issued for the driveway at the time of the violation fails, neglects or refuses to remove the driveway, the city may proceed to remove the driveway and restore the sidewalk, parkway, curbs, gutters and any trees and landscaping. The owner of the property to which the driveway is attached and the grantee of a use of public way permit issued for the driveway at the time of the violation shall be jointly and severally liable for any fines, the cost of the erection of any barrier, and the cost of any removal and restoration.

(Added Coun. J. 6-9-99, p. 5453; Amend Coun. J. 12-4-02, p. 99026, § 6.1; Amend Coun. J. 6-30-10, p. 95412, § 1)

10-20-445 Permits – Revocation.

Use of public way permits required for driveways by this chapter shall contain conditions as follows:

Said permit may be revoked by the mayor, or by an order passed by the city council and signed by the mayor, at any time without the consent of the grantee, in which case the authority and privileges granted shall thereupon cease and terminate; upon the termination by revocation, expiration or otherwise of the authority, rights and privileges granted by said permit, the driveway therein authorized shall be removed and the sidewalk and/or public parkway space where the same shall have been located shall be restored to its proper condition to the satisfaction of the commissioner, so that the said portion of the said sidewalk and/or public parkway space used for said driveway shall be safe for public travel and in the same condition as the remaining portion of said sidewalk and/or public parkway space; provided, that in the event of the failure, neglect or refusal on the part of said grantee or the owner of the property to which the driveway is attached to remove said driveway when directed so to do, the city may proceed to remove same.

The grantee and the owner of the property to which the driveway is attached shall be jointly and severally liable for the costs of the removal and restoration.

Such permits may be revoked by the commissioner for failure or neglect to comply with the provisions of this chapter.

(Prior code § 33-21; Amend Coun. J. 5-4-94, p. 49718; Amend Coun. J. 1-14-97, p. 37762, § 37; Amend Coun. J. 6-9-99, p. 5453; Amend Coun. J. 6-30-10, p. 95412, § 1)

 **10-20-447 Reserved.**

Editor's note – Coun. J. 6-30-10, p. 95412, § 2, repealed § 10-20-447, which defined *commercial driveway*.

 **10-20-450 Violation – Penalty.**

(a) Any person violating any of the provisions of this chapter or applicable regulations concerning driveways shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense, unless otherwise specifically provided. A separate and distinct offense shall be held to have been committed each day any person violates any of said provisions.

(b) In addition to any fine imposed, the owner of property to which a driveway is attached and maintained without a use of public way permit in violation of this chapter may be required to remove the driveway and restore the sidewalk and/or public parkway space where the driveway is located to its proper condition so that the portion of the sidewalk and/or public parkway space used for the driveway shall be safe for public travel and in the same condition as the remaining portion of the sidewalk and/or public parkway space. If the owner of the property to which the driveway is attached fails, neglects or refuses to remove said driveway, the city may proceed to remove the driveway and restore the sidewalk and/or public parkway space. The owner of the property to which the driveway is attached shall be liable for a penalty in the amount of the costs of the removal and restoration.

(Prior code § 33-22; Amend Coun. J. 1-14-97, p. 37762, § 38; Amend Coun. J. 6-9-99, p. 5453)