

**PROPOSED SUBSTITUTE FOR ITEM 14-0158**

**PROPOSED ORDINANCE AMENDMENT**

**PUBLIC UTILITIES**

**BE IT ORDAINED**, by the Forest Preserve District of Cook County Board of Commissioners, that Title 5 – Public Utilities, Chapter 2 – Franchises, Article A and B of the Forest Preserve District of Cook County Code is hereby amended as Follows:

**Chapter 2 Franchises.**

ARTICLE A – UTILITY COMPANIES AND OTHER “FOR PROFIT” ENTITIES

5-2A-1: NEW LICENSES.

5-2A-2: ACCEPTABLE APPLICATION AND PLANS.

5-2A-3: TERM OF LICENSE.

5-2A-4: LICENSE FEE.

5-2A-5: TREE MITIGATION.

5-2A-6: RENEWAL OF EXISTING LICENSES.

5-2A-7: EXPIRATION OF THIS ARTICLE.

5-2A-8: FAILURE TO PAY FEES.

5-2A-9: YOUTH EDUCATION, LAND ACQUISITION AND RESORATION PROGRAM FEE (YELAR).

ARTICLE B. - MUNICIPALITIES AND OTHER GOVERNMENTAL

5-2B-1: NEW LICENSES.

5-2B-2: ACCEPTABLE APPLICATION AND PLANS.

5-2B-3: TERM OF LICENSE.

5-2B-4: LICENSE FEE.

5-2B-5: TREE MITIGATION.

5-2B-6: EXPIRATION OF THIS ARTICLE.

5-2B-7: FAILURE TO PAY FEES.

5-2B-8: YOUTH EDUCATION, LAND ACQUISITION AND RESORATION PROGRAM FEE (YELAR).

Article A. Utility Companies and other “for Profit” Entities

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5-2A-3: TERM OF LICENSE.

All licenses issued to entities that fall into this category will ~~be issued for~~ not exceed a ten-year term, unless otherwise approved by the Board based upon District staff recommendations for a license exceeding twenty-five acres and/or when in staff opinion the license can generate additional revenue for the District. Said term will commence when said license is executed by the President of the Board of Forest Preserve District Commissioners.

5-2A-4: LICENSE FEE.

In addition to those special fees as may be recommended by District staff, The fee for licenses issued under this Article will be determined by multiplying the acres used by the cost per acre. Acres used will be calculated by multiplying the linear footage shown on the license application (or revised application) by the width required for future maintenance of the facilities. The minimum width will be fifteen (15) feet for all licenses regardless of the facilities installed or location of said facilities. Requests for widths above fifteen (15) feet must include an explanation justifying the need for additional width. The minimum license fee will be five (5) percent of the cost per acre for the current year. Additionally, a Youth Education, Land Acquisition and Restoration (YELAR) Program Fee of five (5) percent of the cost per acre shall be assessed against all licenses issued. Cost per acre, minimum license fee and YELAR program fee figures can be found in Appendix A at the end of this Article. All fees due will be paid as a lump-sum upfront one-time payment, unless otherwise approved by the Board.

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5-2A-6: RENEWAL OF EXISTING LICENSES.

Any license previously issued by the FPD that expires while this Article is in force will be renewed at a rate fifty (50) percent lower than that specified for issuance of a new license, unless otherwise approved by the Board based upon District staff recommendations for a license exceeding twenty-five acres and/or when in staff opinion the license can generate additional revenue for the District. The minimum renewal license fee will be five (5) percent of the cost per acre for the current year. Additionally, a Youth Education, Land Acquisition and Restoration (YELAR) Program Fee of five (5) percent of the cost per acre shall be assessed against all licenses issued. Cost per acre, minimum license fee and YELAR program fee figures can be found in Appendix A at the end of this Article. The Licensee must submit a non-refundable license renewal application fee of five hundred dollars (\$500.00) to the FPD six (6) months prior to the expiration date of said license to confirm its interest in continued operation and maintenance of the facilities for which the license was originally issued. If the applicable license renewal application fee and prior notice of the Licensee's intent to renew is not received by the FPD at least six (6) months prior to the expiration of the existing license, the FPD will mail the Licensee a "Removal Notice" at their last known address notifying the licensee to remove their facilities from FPD property. If the Licensee wishes to renew a license for which it has already received a "Removal Notice" the FPD will allow the renewal but the fee for the renewal will be based on the formula used to determine the fee for issuance of a new license. All fees due for license renewals will be paid as a lump-sum upfront one-time payment, unless otherwise approved by the Board.

5-2A-7: EXPIRATION OF THIS ARTICLE.

This Article will expire on December 31, ~~2014~~ 2024. Any license previously issued by the FPD that expires after the expiration of this Article and before a replacement Article has been adopted shall be automatically renewed for one (1) period(s) until a replacement Article is adopted. The fee for any extended year period shall be calculated as established in paragraph 5-2A-4 using a cost per acre of two thousand dollars (\$2,000.00) higher than the previous year.

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Article B. Municipalities and Other Governmental Agencies

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5-2B-3: TERM OF LICENSE.

All licenses issued to entities that fall into this category will be issued for a continuous term, unless otherwise approved by the Board based upon District staff recommendations when in staff opinion the license can generate additional revenue for the District. Said term will commence when said license is executed by the President of the Board of Forest Preserve District Commissioners and would continue as long as the licensee complies with the terms and conditions set forth in the license. Any License not issued for a continuous term may be renewed in accordance with Title 5-2A-6 of this Code.

5-2B-4: LICENSE FEE.

In addition to those special fees as may be recommended by District staff, ~~The~~ fee for licenses issued under this Article will be determined by multiplying the acres used by the cost per acre. Acres used will be calculated by multiplying the linear footage shown on the license application (or revised application) by the width required for future maintenance of the facilities. The minimum width will be fifteen (15) feet for all licenses regardless of the facilities installed or location of said facilities. Requests for widths above fifteen (15) feet must include an explanation justifying the need for additional width. The minimum license fee will be five (5) percent of the cost per acre for the current year. Additionally, a Youth Education, Land Acquisition and Restoration (YELAR) Program Fee of five (5) percent of the cost per acre shall be assessed against all licenses issued. Cost per acre, minimum license fee and YELAR program fee figures can be found in Appendix A at the end of this Chapter. All fees due will be paid as a lump-sum up-front one-time payment, unless otherwise approved by the Board.

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5-2B-6: EXPIRATION OF THIS ARTICLE.

This Article will expire on December 31, ~~2014~~ 2024. Any license previously issued by the FPD that expires after the expiration of this Article and before a replacement Article has been adopted shall be automatically renewed for one (1) period(s) until a replacement Article is adopted. The fee for any extended year period shall be calculated as established in paragraph 5-2A-4 using a cost per acre of two thousand dollars (\$2,000.00) higher than the previous year.

**Effective date:** This ordinance shall be in effect immediately upon adoption.