

CHAPTER 16

STREET AND SIDEWALKS

**ARTICLE I
IN GENERAL**

SECTION 16-1: DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“STREET” Any public street, avenue, parkway, boulevard, drive, lane, road, bridge, viaduct, highway, parkway, circle, cul-de-sac, court, place, alley, or any other public way designated for vehicle by the Village.

“VEHICLE” Any device in, on, driven on, ridden on, or drawn on any street.

SECTION 16-2: INJURING SIDEWALKS AND CURBSTONES

No person shall, within the Village, cut, mar, deface, or in any way break or disfigure any sidewalk or curbstone or part thereof, except as authorized by the Street Superintendent as provided in this chapter.

SECTION 16-3: SNOW AND ICE REMOVAL

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the Village abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove there from all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time which will ordinarily not exceed 12 hours after the abatement of any storm during which the snow and ice may have accumulated.

SECTION 16-4: THROWING OR PLACING GARBAGE ON STREETS AND SIDEWALKS

No person shall throw, place, leave, cause, or permit to be thrown, placed, or left any filth, rubbish, or garbage or grass clippings in or on any street, alley, sidewalk, or other public ground in front of or adjoining any building or premises owned or occupied by the person or subject to his control, except in approved containers or receptacles. (Amended 06/12/17)

SECTION 16-5: PERMITTING WATER FROM ROOFS TO FALL ON SIDEWALKS

No person shall suffer or permit the water falling or draining from the roof of any building owned, occupied, or controlled by him, to spread over the sidewalk in front of same.

SECTION 16-6 through 16-14. RESERVED

**ARTICLE II
OBSTRUCTIONS AND ENCROACHMENTS**

SECTION 16-15: UNAUTHORIZED OBSTRUCTION OR ENCUMBRANCES

(A) No person shall place, throw, or leave, or cause to be placed, thrown, or left any obstruction or encumbrance in or on any street, alley, sidewalk, or other public ground, except as authorized by this chapter or other ordinance.

(B) Any person who shall place or leave, or cause to be placed or left, any encroachment, obstruction, or encumbrance in or on any street, alley, sidewalk, or other public ground shall in all cases be liable to the Village and to private persons for all injury or damages arising there from.

SECTION 16-16: RECEIVING OR DELIVERING MERCHANDISE ON SIDEWALKS

No person while receiving or delivering goods, wares, or merchandise shall permit the same to remain on any sidewalk longer than is necessary to convey such goods, wares, or merchandise to or from the premises abutting on such sidewalk or to or from which such goods, wares, or merchandise are being delivered or received, and for this purpose he shall not occupy over four feet of the outer edge of the sidewalk in front of his or her store or building.

SECTION 16-17: STORAGE OF PERSONAL PROPERTY

No street, alley, sidewalk, or other public ground shall be used for the storage of personal property, goods, wares, or merchandise of any kind or description whatever. No persons shall place or cause to be placed in or on any street, alley, or sidewalk any barrel, box crate, package, or other obstruction of any kind or description whatsoever, and suffer the same to remain thereon longer than is prescribed in this chapter.

SECTION 16-18: RAILROAD OBSTRUCTING STREET

(A) No railroad corporation nor its agent or employee shall block or obstruct any street by stopping on the tracks any train, railroad car, or locomotive engine for a period in excess of ten minutes, except when such train, railroad car, or locomotive engine cannot be moved by reason of circumstances over which the railroad corporation, its agent, or employee has no control.

(B) The Village shall have authority to order in emergency situations, that any train, railroad car, or locomotive engine be moved or separated to permit passage over the tracks. Any railroad corporation, its agent, or employee shall comply with this order.

(C) Any railroad corporation violating the provisions of this section shall be punished by a fine of not less than \$100.00 nor more than \$500.00 for each offense, and any engineer or conductor causing an obstruction in violation of the provisions of this section shall also be individually guilty of a violation and shall be punished by a fine of not less than \$100.00 nor more than \$500.00.

SECTION 16-19 through 16-29. RESERVED

ARTICLE III EXCAVATIONS

SECTION 16-30: PERMIT REQUIRED

No person shall injure or tear up any street, alley, sidewalk, or public ground, or any part thereof, dig any hole, ditch, or drain in, or dig or remove any sod, stone, earth, sand, or gravel from, or dig, place or construct any tunnel or drive, or bore for any pipe conduit, wire main, or shaft in or under any street, alley, sidewalk, or public ground in the Village without having first obtained written permission from the Board of Trustees given in accordance with the provisions of this subchapter or other ordinances of the Village.

SECTION 16-31: PERMIT FEE

A fee of Five Dollars (\$5.00) shall be charged and collected for each permit issued for an opening in any street, sidewalk, alley, or public ground.

SECTION 16-32: PAYMENT OF ESTIMATED COST OF RESTORATION BEFORE ISSUANCE OF PERMIT; DIVISION OF RESPONSIBILITY

Before a permit shall be granted to any person to open any street, public ground, roadway, sidewalk, or alley, for any purpose, that person shall pay to the Clerk the estimated cost of restoring the same to as good a condition as before it shall have been so opened, with a fair additional sum as margin for unforeseen costs and damages, as determined by the Board of Trustees. The permit applicant will remove the pavement in accordance with the specifications of the Director of Public Works and/or the Village Engineer including providing barricades and on paved streets sawing the pavement and providing, a six-inch lip of undisturbed soil on the sides of the trench. The estimated cost determined by the Board of Trustees shall include the cost to the Village of inspecting any work done under such permit, removing excavated materials after the person obtaining the permit has made the excavation, backfilling all excavated areas, and restoring the same to its original condition. When the excavation has been made and the utility involved has been connected and inspected, the person making the excavation shall notify the Director of Public Works. The person shall then, within a reasonable time thereafter, place around the opening, any barricade, flares, and warning devices necessary for the protection of the public.

SECTION 16-33: BOND OR INSURANCE POLICY REQUIRED

(A) No permit shall be issued to any person permitting or allowing the obstruction, tearing up, removing, or repairing of any sidewalk, street, alley, any other public place, or any part thereof, until the person making application for such permit shall first have executed to the Village a good and sufficient bond in an amount not less than \$100.00 nor more than \$10,000.00, with sureties to be approved by the Board of Trustees, conditioned on that person agreeing to indemnify, save, and keep harmless the Village from any and all loss, cost, damage, expense, or liability of any kind whatsoever which the Village may suffer or which may be recovered against the Village from or on account of the issuance of the permit to obstruct, tear up, remove, or repair any sidewalk, street, alley, any other public ground, or part thereof and from or on account of any act or thing done by the permittee or permitted by the permittee and from or on account of any negligence or omission of the permittee in the obstruction, tearing up, removal, or repairing of any sidewalk, street, alley, any other public ground, or part thereof.

(B) In the event any proposed work may appear to subject the Village to the possibility of any greater liability than \$10,000 the Board of Trustees may require the amount of the bond to be increased to an amount sufficient to protect the Village against any such loss, cost, damage, or expense.

(C) If any licensed plumber shall have given a licensed plumber's bond to the Village, such bond shall be taken as a satisfaction of the requirements of this section, except in cases where the Board of Trustees shall for cause consider the amount thereof insufficient as provided in division (B) above.

SECTION 16-34: SUPERVISION AND INSPECTION OF WORK

All work done under the authority of a permit under the provisions of this subchapter shall be supervised and inspected by the Street Superintendent. Such supervision and inspection shall be done at the sole expense of the person securing the permit.

SECTION 16-35: RETURN OF SURPLUS PAYMENT ON COMPLETION OF WORK

After completion of the work under the provisions of this subchapter, the Clerk shall certify to the Board of Trustees the amount of any surplus remaining from the amount paid under this Chapter after payment for the work done by the Village, or the amount of any surplus remaining from the amount paid under this Chapter, or if any damage shall have been done to any underground work or connections, or otherwise, not contemplated in the original estimate, which shall have caused increased expenditure, the amount of such deficiency or damage shall be certified to the Clerk, who shall collect the same from the person to whom the permit was issued.

SECTION 16-36: LIGHTS AND BARRICADES

Any person who shall, under the provisions of this chapter or other ordinances of the Village, be allowed to make any excavation on any street, alley, avenue or sidewalk shall be required, to place and maintain such barricades, warning signs, and lights as may be required by the Village.

SECTION 16-37: OPENINGS IN SIDEWALKS

There shall be no permanent opening in any sidewalk, extending beyond the property line, except such openings as are herein expressly authorized. There may be an opening, providing it is covered with metal sidewalk trap doors. The outer edge of such doors shall be within two feet of the outside edge of the sidewalk curb, the inner edge of which shall not be more than seven feet from the outer edge of the sidewalk curb. Every door shall be provided with metal guards for the protection of the public when open and shall be flush with the sidewalks when closed, including hinges. There may be openings through sidewalks for the admittance of fuel. All openings in sidewalks shall have metal or cement covers flush with the walk, and their upper surfaces shall be roughened. All parts of sidewalks, including illuminating tile or other structural parts, shall be capable of sustaining a load at all points simultaneously equal to 400 pounds for each superficial foot of the surface thereof. There shall be no permanent openings in the form of gratings of any description in any sidewalk.

SECTION 16-38: RESTRICTIONS AS TO OPEN CELLAR WAYS

No open cellar or basement way shall be permitted in any sidewalk or alley, nor shall the door or grating of any such closed cellar or basement way extend above the grade of the sidewalk, nor exceeding one inch above the grade of the alley, nor shall the hinges, locks, or other fastenings thereof, be placed on the upper side of the same so as to project above the door. All cellar windows in any sidewalk or alley shall be set or placed even with the grade of such sidewalk or alley and be well secured with iron or other suitable gratings.

SECTION 16-39 through 16-49. RESERVED

**ARTICLE IV
CONSTRUCTION OF SIDEWALKS**

SECTION 16-50: GRADE

(A) The Village Engineer shall establish the grades for all sidewalks, and the same shall conform, as nearly as may be possible to the grades of their respective streets. Where no permanent grade is established, the Street Superintendent may give a temporary grade.

(B) No person may construct or lay, or cause to be constructed or laid, any sidewalk where no grade has been established by the Village Engineer, or contrary to any grade given by the Village Engineer.

SECTION 16-51: INITIAL SIDEWALK CONSTRUCTION SPECIFICATIONS

(A) *Residential sidewalks*

(1) It shall be the responsibility of the lot owner or subdivision developer as applicable to construct the initial sidewalk across his or her property. When a sidewalk is in a state of disrepair the lot owner may replace the sidewalk transversing his or her property and seek reimbursement from the village for the cost of replacement. The village at its sole discretion may reimburse all or part of the cost of sidewalk replacement on a square foot basis as the Village Board shall provide by resolution. Lot owners may apply to the village for reimbursement of sidewalk replacement costs according to the formula set by the Village Board.

(2) The Village Clerk shall maintain a list of lot owners who have applied for reimbursement, such list to include the lot owner's name, address and date of application to the village for reimbursement and square foot area of sidewalk are replaced. Reimbursements shall be made according to the order in which the applications were received and according to the amount of money allocated to this program in the village's annual budget. Applications may carry over from year to year with reimbursements to be paid out in order of application. All sidewalks so repaired will be four feet wide and minimum of four inches deep, six-bag mix, and wire mesh. No reimbursement shall be made for sidewalks which are not replaced or constructed in accordance to village specifications and no reimbursement shall be made without verification of sidewalk replacement as represented on the lot owner's application.

(B) *Commercial sidewalks*. It shall be the responsibility of the lot owner to construct and maintain any sidewalk across or serving a commercial property. However, the Village Board by resolution may enter sidewalks on a cost sharing basis. Alternatively the village at its sole discretion and pursuant to resolution may competitively bid sidewalk replacement work or have its own employees install or replace sidewalk areas serving the general public on a cost sharing basis with the lot owner. The village shall determine the specifications for all sidewalk replacement which involves the expenditure of public funds whether such funds are expended directly or on a reimbursement basis. All commercial sidewalks shall be at least four feet wide, four inches deep, six- bag mix and wire mesh reinforced. No reimbursement shall be made for sidewalks which are not replaced or constructed in accordance to village specifications. For the purpose of this section, a **COMMERCIAL SIDEWALK** shall be defined as any sidewalk serving a private business entity which is used by the general public for access to the aforesaid entity.

SECTION 16-52: COST OF CONSTRUCTION

Where any owner of a lot or parcel of land adjoining any public street in the Village fails to construct a sidewalk along such lot or parcel of ground when required to do so by ordinance, the Village

may construct such sidewalk and collect the costs of such construction by special taxation, special assessment, or any other method prescribed by law.

SECTION 16-53: NO PART TO BE TAKEN FOR PRIVATE USE

No part of any sidewalk shall be taken for private use by lowering, cutting down, or elevating the same next to the building fronting thereon, or by fencing or railing off the same, or otherwise shutting off the public from using the same, except as authorized by the Board of Trustees.

SECTION 16-54 through 16-64. RESERVED

**ARTICLE V
PRIVATE DRIVEWAYS**

SECTION 16-65: PERMIT REQUIRED; APPLICATION; ACCOMPANIED BY PLAT OR SKETCH

(A) No person shall construct any private driveway entering on any public street or alley within the Village without having first obtained a permit therefore.

(B) Applications for such permits shall be made to the Village Clerk.

(C) No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served, shall be issued except upon the order of the Superintendent of Streets.

SECTION 16-66: PERMIT TO BE DENIED IF TRAFFIC OR SAFETY HAZARD WOULD RESULT

The Board of Trustees shall not issue any permit for any private driveway or for breaking or for removing any street curbing where the proposed opening would create an unnecessary hazard to pedestrians using any sidewalk intersected by such driveway nor shall any permit be issued for a driveway in excess of 35 feet in total width as measured from the appropriate right-of-way lines, or where the proposed driveway would create a traffic hazard, or where the proposed driveway would constitute a violation of the Village zoning ordinance.

SECTION 16-67: FEE

No fee will be charged for any driveway permit.

SECTION 16-68: EXISTING DRIVEWAYS CAUSING SOIL EROSION OR OVERLOADING SEWERS

(A) Wherever existing driveways shall be so constructed or maintained as to cause soil erosion or to overload adjacent sewers, the Village President with consent of the Board of Trustees shall on determination of the fact thereof, order the property owner using such driveway to repair or reconstruct the same so as to prevent soil erosion or overloading of adjacent sewers.

(B) The property owner using the driveways shall be given 60 days' notice in writing to make the necessary changes to such driveway.

(C) In the event that the property owner shall refuse to repair or reconstruct the driveway within 60 days after notice, as provided in the preceding section, the Department of Public Works shall block off such driveway so as to prevent soil erosion and overloading of adjacent sewers.

SECTION 16-69: REGULATIONS CONCERNING CURBING

No person shall have or maintain an entrance or driveway for vehicles from the paved streets or street into his or their premises, crossing the curbing. All such driveways from such streets into private premises shall be made by putting in curbing one each side of such driveway, with rounded corners, as at street intersections. All such driveways shall be constructed in accordance with standards and material prescribed by the Village.

SECTION 16-70: GRADE SURFACE

No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible to the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such material as to render it slippery or dangerous, or hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk, or be other than level.

SECTION 16-71: MATERIALS

Driveways across sidewalks shall be constructed of concrete or of such other materials as may be approved by the Superintendent of Streets.

SECTION 16-72: REPAIR

It shall be the duty of the person maintaining a driveway to keep the same in good repair where it crosses the sidewalk, and free from obstructions and openings.

SECTION 16-73: CURB AND GUTTER REPLACEMENT PROGRAM

At the request of any property owner who owns property within the corporate limits of the Village, the Village will investigate whether a particular property owner's curb qualifies for the curb and gutter replacement program. (Amended 12/11/06)

Upon written request of a property owner, the Village will undertake to do the following:

A. A Village representative will inspect the curb and gutter and will determine if the curb and gutter qualifies for the replacement program. (Amended 12/11/06)

B. Upon approval, the property owner will coordinate with the Street Superintendent and the property owner's contractor for removal of the existing curb and gutter at the expense of the Village, upon timely submission of an invoice to the Village by the property owner and/or property owner's contractor. (Amended 12/11/06)

C. Thereafter, property owner shall promptly replace the curb and gutter with materials and methods approved by the Superintendent of Streets, at the sole cost of the property owner. The property owner is further responsible to replace dirt behind curbing and reseed any areas damaged by the removal and replacement of the curb and gutter. (Amended 12/11/06)

D. All work shall be contracted between the homeowner and contractor and the Village shall not be responsible for contracting for any improvements under this curb and gutter program. (Amended 12/11/06)

SECTION 16-74 through 16-82. RESERVED

**ARTICLE VI
MOVING BUILDINGS**

SECTION 16-83: PERMIT REQUIRED

No person shall move any building on, through, or over any street, alley, sidewalk, or other public place in the Village without first obtaining a permit therefore from the Village Board of Trustees. Applications for such permits shall be made in writing to the Board and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of the street, alley, sidewalk, or other public place in the Village. Such application shall be accompanied by a \$100.00 nonrefundable application fee. This fee shall be in addition to any fees required pursuant to Section 16-84.

SECTION 16-84: APPROVAL FEE

(A) Upon approval of the intended route by the Village Board of Trustees, the applicant shall pay a fee determined by the Clerk as being sufficient to pay the estimated cost of necessary and appropriate services provided by village departments to insure the safe and orderly moving of a building on, through, or over any street, alley, sidewalk, or other public place including, but not limited to the cost of closing a portion of any street, alley, sidewalk, or other public place to traffic; protecting, moving, or relocating utility facilities; and personnel costs. The applicant shall post a bond satisfactory to the Village Board for public liability and damage to Village property. Upon completion of the move, the applicant shall be billed the actual cost of such necessary and appropriate services provided by the Village departments and such invoice shall be paid within 30 days.

(B) Interest at the rate of 18% per annum shall be added to the amount of such costs in the event that such costs are not paid within 30 days from the date of billing. Moving of such building pursuant to a permit issued by the Village Board shall constitute the applicant's agreement to the payment of such costs and interest.

SECTION 16-85: BOND

Every person applying for a permit under this subchapter shall submit with his application a cash bond with a lawful corporate surety to be approved by the Board of Trustees, conditioned on compliance with all the provisions of this subchapter, and agreeing to pay and holding the Village harmless from any claim which may be made against it by reason of the occupation of any street, alley, sidewalk, or other public place by the building or structure moved.

SECTION 16-86: REQUIREMENTS

(A) *Lights and warnings.* Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the Police Department so as to warn vehicles and persons from entering that portion of the street so blocked. The person moving any building through the street shall keep warning signs and lanterns or lights on the building so as to guard against any person or vehicle from colliding with such building.

(B) *Wires, cutting.* Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building, the terms of any special or franchise ordinance governing shall apply and the bond therein specified shall be given. If no such terms apply, then the Board of Trustees shall estimate the expense of fixing the wires and the bond to be given to cover such expense.

(C) *Fire Alarm Wires.* When any moving building shall approach any fire alarm wire or pole which shall be endangered by the removal of such building or structure, it shall be the duty of the mover to notify the Department of Public Works at least six hours before reaching such wire or pole so that they may be removed or cared for by the Village authorities.

(D) *Other Wires.* Whenever any licensed building mover engaged to move any building through or past wires, cables, or other electrical conductors owned and operated by the Village, or by any other person or corporation, and shall have secured a permit from the Board of Trustees for such removal in accordance with the provisions of this subchapter, he or she shall serve notice in writing on the person or corporation owning, using, or operating any such wire, cable, or other electrical conductor through which he desires to pass, specifying the time the building he or she is removing will reach such wire, cable, or other electrical conductor to be cut or otherwise removed or disposed of so as to allow such person or corporation not less than 24 hours before the time at which it is desired to cut such wire, cable, or other electrical conductor or otherwise dispose of same.

SECTION 16-87: PENALTY

Any person found to be in violation of any provision of this Chapter shall be fined \$100.00 - \$500.00.

Each day a continuing violation exists may be deemed a separate offense.