

CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

- 7-1-1: Supervision
- 7-1-2: Construction; Permits Required
- 7-1-3: Bond Requirements
- 7-1-4: Construction Specifications
- 7-1-5: Repairs
- 7-1-6: Openings; Permits Required
- 7-1-7: Defects
- 7-1-8: Barricades
- 7-1-9: Private Use Prohibited
- 7-1-10: Injury to Pavements
- 7-1-11: Obstructions
- 7-1-12: Deposits Prohibited
- 7-1-13: Prohibited Conditions
- 7-1-14: Barbed Wire Fences
- 7-1-15: Penalty

7-1-1: **SUPERVISION:** All public streets, alleys, sidewalks and other public ways in the Village shall be under the supervision of the Superintendent of Public Works. The Superintendent of Public Works shall be charged with the enforcement of all ordinance provisions relating to such public places, except traffic ordinances, and is hereby authorized to enforce such ordinances. Any officer, police officer, or Village Marshall shall be empowered to enforce these ordinances concurrently with the Superintendent of Public Works. All public sidewalks shall be kept free of ice and snow.

7-1-2: **CONSTRUCTION; PERMITS REQUIRED:** It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way, or to repair the same without first having secured a permit therefor. Applications for such permits shall be made to the Village Clerk and shall state the location of the intended pavement or repair, the extent thereof, and the person of firm who is to do the actual construction work. No such permit shall be issued except on order of the Board of Trustees.

7-1-3: **BOND REQUIREMENTS:** Each applicant, for a project that involves the cutting of any street surface, replacing or paving any street, or excavating within twenty five feet (25') of any right of way, shall file a bond in the amount of Fifty Thousand Dollars (\$50,000.00) with surety to be approved by the Board of Trustees, conditioned to indemnify the Village for any loss or damage resulting from the work undertaken or the manner of doing the same.

7-1-4: **CONSTRUCTION SPECIFICATIONS:** All street and sidewalk pavements shall be made in conformity with the specifications laid down or approved from time to time by the Board of Trustees.

7-1-5: **REPAIRS:** All public streets, alley and sidewalk pavements shall be kept in good repair. Such repair work, whether done by the Village or by the abutting property owner, shall be under the supervision of the Superintendent of Public Works.

A. **SIDEWALKS:**

- (1) It shall be the responsibility of the owner of any parcel of land over which a sidewalk runs to maintain and repair said sidewalk in a safe and traversable condition.
- (2) All owners of lots on which a new residence or business is constructed shall be required to install a sidewalk meeting the standards set out herein.
- (3) Nothing contained herein shall require the construction of a sidewalk on any property where there is currently a residence or business structure. Provided, however, that in the event the owner of any such existing structure desires to install a sidewalk, said owner may do so according to the terms and conditions of this Section.

- (4) Any sidewalk constructed or replaced in the Village shall meet the following minimum specifications:
 - (A) Width:

New Sidewalks: No less than 4 feet (4').
Existing Sidewalks: Current Width, but in no event less than 3.5 feet (3.5').
 - (B) Depth: No less than 4 inches (4").
 - (C) Consistency: Six bag mix or better, applied with mesh or equivalent.
- (5) Payment of Expenses: Upon presentation of a paid receipt from an approved concrete contractor, or other qualified workman, the Village shall reimburse property owners for construction, repair, or removal of sidewalks on existing properties. No reimbursement shall be available for construction of sidewalks in conjunction with the erection of a new business or residential structure.
- (6) Method of Reimbursement: Reimbursement shall be made according to a schedule published by the Village at the beginning of each calendar year, based upon need and available resources. Owners of property scheduled for repair will be notified at the beginning of each year. Any other property owner may replace or repair his or her sidewalk at any time, but reimbursement will not be available from the Village for such projects. The Village shall at no time be obligated to pay any amounts to owners of properties not scheduled for repair, nor shall any interest be payable by the Village pursuant hereto for any reason whatsoever.
- (7) If there is a substantial defect in the sidewalk abutting his or her property, a property owner may bring such defect to the attention of the Village. The Village may, in its sole discretion, provide reimbursement for the repair of said defect regardless

of whether said sidewalk is scheduled for repair. Nothing in this Section shall require the Village to provide such reimbursement, however, and the decision to provide such reimbursement shall be made in the Village's sole discretion.

- (8) Nothing contained herein shall be construed as relieving any property owner from procuring all necessary approvals and permits prior to commencing any work on a sidewalk or public way, nor relieve any property owner from any other liability or responsibility imposed by Village Ordinance.

7-1-6: **OPENINGS; PERMITS REQUIRED:** It shall be unlawful to construct or maintain any opening or stairway in any public street or sidewalk or alley without a permit from the Board of Trustees being first obtained. All such lawfully maintained openings shall be guarded by a suitable strong cover or a railing to the approval of the Superintendent of Public Works.

7-1-7: **DEFECTS:** It shall be the duty of every Village officer or employee becoming cognizant of any defect in any street or alley or sidewalk, or any obstruction thereof, to report the same to the Superintendent of Public Works as soon as possible.

7-1-8: **BARRICADES:**

A.

Any person laying or repairing any pavement on a street, sidewalk or other public place or making an excavation in any such place, shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work; such barricades to be protected at night by lights.

B.

Any defect in any such pavement shall be barricaded to prevent injury, and any person properly maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open by proper barricades and lights.

C.

It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or make any new pavement or excavation or opening in any public street, alley or sidewalk.

7-1-9: PRIVATE USE PROHIBITED:

A.

It shall be unlawful for any person to use any street, sidewalk or other public place as space for the display of goods or merchandise for sale; or to write or mark any signs or advertisements on any such pavements.

B.

It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

7-1-10: INJURY TO PAVEMENTS: It shall be unlawful to injure any sidewalk, street or alley pavement.

7-1-11: OBSTRUCTIONS: It shall be unlawful for any person to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way except as may be specifically authorized by ordinance or by the Superintendent of Public Works when necessary in an emergency or in connection with any lawful construction, repair or removal work.

7-1-12: DEPOSITS PROHIBITED:

A.

Deposits on Streets: It shall be unlawful to deposit on any street any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which may do injury to any person, animal or property.

Coal or other materials may be deposited in streets preparatory to delivery or use, provided that such deposit does not reduce the usable width of the roadway at the point to less than eighteen feet (18'), and further provided that such material or coal, other than material to be used in actual building construction, shall not be permitted to remain on such street for more than three (3) hours.

Any such material or coal shall be guarded by lights if the same remains upon any street after dark.

B.

Deposits on Sidewalks: It shall be unlawful to deposit on any public sidewalk any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than four feet (4'), and further provided that no such article shall remain on such walk for more than one-half (1/2) hour.

7-1-13: **PROHIBITED CONDITIONS:**

A.

Drains: It shall be unlawful to obstruct any drain in any public street or alley.

B.

Poles and Wires: It shall be unlawful to erect any poles or wires or to maintain any poles in or wires over any public street, alley or other public way without having first secured permission from the Board of Trustees.

C.

Gas Pumps: It shall be unlawful to maintain or erect any gasoline pump or tank in any public street, alley or sidewalk.

D.

Games: It shall be unlawful to play any games upon any street, alley, sidewalk or other public place, where such games cause unnecessary noise or interfere with traffic or pedestrians.

7-1-14: **BARBED WIRE FENCES:** It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to person, or any wire charged with electric current, anywhere within fifty feet (50') of any public street, sidewalk, alley, park or other public way or place, unless such barbed or charged wire is at least six feet (6') above the level of such public place.

7-1-15: **PENALTY:** Any person violating any provision of this Chapter shall be fined not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.