

## CHAPTER 97: STREETS AND SIDEWALKS

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***IN GENERAL***

**§ 97.001 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 vehicles by the village.

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

### **§ 97.002 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.

Penalty, see § 97.999

### **§ 97.003 SIDEWALKS TO BE KEPT FREE FROM SNOW AND ICE.**

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 therefrom 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.

Penalty, see § 97.999

### **§ 97.004 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 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.

Penalty, see § 97.999

### **§ 97.005 LEAVING CELLAR DOOR, BASEMENT ENTRANCE, VAULT OPEN.**

No person shall leave open or permit to be left open any cellar door, basement entrance, vault, cistern, well, ditch, or other like pit or hole, on or adjoining any street, alley, sidewalk, or other public ground, without securing or protecting the same, so as not to endanger the safety of persons or animals passing thereby from falling therein. Such person shall be liable for all damages or injuries to persons or property arising from any such neglect, and for any damage that may be recovered against the village in consequence thereof.

Penalty, see § 97.999

### **§ 97.006 SIDEWALKS CONSTITUTING NUISANCES.**

Every sidewalk which is so worn or out of repair as to endanger the safety of persons passing over the same, is declared to be a nuisance. No person shall hereafter suffer or permit such nuisance to exist in front of or adjoining premises owned or occupied by him. The owner of any property in front of or adjoining a village sidewalk shall be liable for all damages or injuries

to persons or property arising from permitting or suffering a nuisance to exist thereon and any damage that may be recovered against the village in consequence thereof.

Penalty, see § 97.999 *Cross-reference:*  
*Nuisances generally, see Ch. 96*

#### **§ 97.007 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.

Penalty, see § 97.999

### ***OBSTRUCTIONS AND ENCROACHMENTS***

#### **§ 97.015 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 therefrom.

Penalty, see § 97.999

*Statutory reference:*

For state law as to power of village to prevent and remove obstructions on streets, see ILCS Ch. 65, Act 5, § 11-80-3

#### **§ 97.016 STREET AND SIDEWALK OBSTRUCTION.**

(A) No contractor, builder, or other person shall encumber or obstruct any street, alley, sidewalk, or other public ground or portion thereof in the village with barricades, parking meter covers, temporary structures, tool sheds, office or tool trailers or shanties, building materials, or any other foreign materials which may impede or obstruct traffic or public use of a public way unless such contractor, builder, or other person shall have filed with the Clerk an application for a permit setting forth, among other things, the purpose, the period, and extent of the use desired to be made of the public way, and shall have paid the proper fees. Anyone who obtains such a permit and encumbers or obstructs any street, alley, sidewalk, or other public ground or portion thereof, shall install sufficient barricades, flashing lights, lanterns, channelizing devices, and warning signs. Should the permit also authorize blockade of curb parking, the permittee shall obtain from the appropriate village officer appropriate materials to mount on the parking meters

giving notice to the public that such meters have been taken out of service and stating the duration thereof.

(B) This section shall not apply during emergency situations involving health and safety. In such cases representatives of public utilities, the street department, or any bonded contractor authorized by the street department may proceed to correct the emergency situation. But in such case, all persons, including village employees, shall give notice to the police department, fire department, and street department prior to making such obstruction, which notice shall specify the location and purpose thereof, and all persons including village employees shall thereafter, on the next business day, comply with the provisions of §§ 97.016, 97.017, 97.032, and 97.033, and such other provisions of this chapter as may be applicable.

Penalty, see § 97.999

### **§ 97.017 FORMS OF APPLICATION AND PERMIT.**

The Clerk shall prepare application and permit forms which shall identify the person seeking to obstruct the public way, the area sought to be obstructed, purpose of such obstruction, duration of the period during which the public way shall be obstructed, and if public parking on the public streets is to be curtailed, the area of the street to be obstructed, the purpose thereof and duration of period during which the interruption of public parking shall be in effect.

### **§ 97.018 FEES.**

(A) Permits issued for street, alley, sidewalk, or other public ground obstructions or to block curb parking shall be at the rates established by the Board of Trustees as set forth in Title XVII of this Code of Ordinances.

(B) The fees herein provided for curtailment of curb parking shall be in addition to any fee paid for street, alley, sidewalk, or other public ground obstruction permit, or for street or sidewalk opening permit under §§ 97.030 et seq. However, no permit or fee shall be required or payable for street, alley, sidewalk, or other public ground obstruction under this section in the event that permit and fee for sidewalk, alley, street, or other public ground opening is obtained and paid under §§ 97.030 et seq.

### **§ 97.019 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 store or building.

Penalty, see § 97.999

### **§ 97.020 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 person 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 § 97.019 of this chapter.

Penalty, see § 97.999

### **§ 97.021 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 \$50 nor more than \$200 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 \$5 nor more than \$200.

## ***EXCAVATIONS***

### **§ 97.030 PERMIT REQUIRED.**

(A) 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 street department given in accordance with the provisions of this subchapter or other ordinances of the village.

(B) Excavations shall be made in accordance with § 97.032. Excavations greater than 50 feet in length will be removed in accordance with § 97.032 and replaced by the applicant and inspected in accordance with § 97.034. Penalty, see § 97.999 Statutory reference: For state law as to power of village to regulate openings in streets for laying water mains and sewers, see ILCS Ch. 65, Act 5, § 11-80-7

**§ 97.031 PERMIT FEE.**

A fee of \$10 shall be charged and collected for each permit issued for an opening in any street, sidewalk, alley, or public ground.

**§ 97.032 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 street department, 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 street department. The street department shall, within a reasonable time thereafter, place around the opening, any barricade, flares, and warning devices necessary for the protection of the public as required by § 97.016 and shall assume responsibility for the continuation of the work, and shall notify the holder of the permit of such action.

**§ 97.033 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 the amount of \$5,000, with sureties to be approved by the Board of Trustees, conditioned on that person agreeing:

(1) 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 \$5,000 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, the 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.

#### **§ 97.034 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.

#### **§ 97.035 CUTTING NEW PAVEMENTS.**

Before any street, alley, sidewalk or other public ground shall be paved or resurfaced, notice thereof shall be published by the Board of Trustees at least three times in a newspaper of general circulation published in the village, 30 days or more prior thereto, and copies of such notice shall forthwith be furnished to all public service corporations. Any wires, pipes, cables, conduits, tunnels, and the like shall be laid and any other underground work installed within 60 days after the giving of such notice. After such pavement or resurfacing shall have been completed, it shall not be cut for any purpose or by any person during the first year thereafter, unless there be paid in advance treble the estimated cost of the restoration of such pavement as determined under § 97.032, and during the third through fifth year thereafter double the estimated cost thereof, and thereafter the estimated cost, provided, however, that only the estimated cost of restoration need be paid if the cut was required for an emergency repair as determined by the street department.

#### **§ 97.036 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 § 97.032 after payment for the work done by the village, or the amount of any surplus remaining from the amount paid under § 97.035 after payment of treble or double the cost of the work done by the village, as therein required, and such surplus shall be paid over to the proper claimant. If for any reason the amount of such payment shall be insufficient to cover the cost of such work, or treble or double the cost of work done under § 97.035, 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.

#### **§ 97.037 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, as specified in § 97.016, to place and maintain such barricades, warning signs, and lights as may be required by the village.

**§ 97.038 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.

**§ 97.039 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.

Penalty, see § 97.999

***CONSTRUCTION OF SIDEWALKS***

**§ 97.050 GRADE.**

(A) The Street Superintendent 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 Street Superintendent, or contrary to any grade given by the Street Superintendent.

Penalty, see § 97.999

**§ 97.051 SPECIFICATIONS.**

All sidewalks, curbs, and gutters shall be constructed in accordance with specifications as established by the Board of Trustees and set forth in Title XVII of this Code of Ordinances.

***Statutory reference:***

*For state law as to power of the village to regulate construction and use of sidewalks, see ILCS Ch. 65, Act 5, § 11-80-13*

**§ 97.052 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.

**§ 97.053 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.

***PRIVATE DRIVEWAYS***

**§ 97.065 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 from the Street Superintendent.

(B) An application for the permit shall be made to the Street Superintendent showing the time, place, and character of such opening and the purpose thereof.

(C) All sidewalks built under the provisions of this subchapter shall be constructed in accordance with standards and material prescribed by the village in Title XIII of this code of ordinances.

Penalty, see § 97.999

**§ 97.066 PERMIT TO BE DENIED IF TRAFFIC OR SAFETY HAZARD WOULD RESULT.**

The Street Superintendent 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.

**§ 97.067 PERMIT FEE.**

A fee as established by the Board of Trustees and set forth in Title XVII of this Code of Ordinances shall be charged and collected for each and every permit issued for the construction of a private driveway.

**§ 97.068 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 Street Superintendent 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 driveway shall be given 60 days' notice in writing to make the necessary changes in 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 Street Superintendent shall block off such driveway so as to prevent soil erosion and overloading of adjacent sewers.

**§ 97.069 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 on each side of such driveway, with rounded comers, as at street intersections. All such driveways shall be constructed in accordance with standards and material prescribed by the village.

Penalty, see § 97.999

## ***MOVING BUILDINGS***

### **§ 97.080 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 nonrefundable application fee. This fee shall be in addition to any fees required pursuant to § 97.081.

Penalty, see § 97.999

### **§ 97.081 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.

### **§ 97.082 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.

### **§ 97.083 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 Street Superintendent 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 pennit from the Board of Trustees for such removal in accordance with the provisions of this subchapter, he 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 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.

Penalty, see § 97.999

#### **§ 97.999 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than \$500 for each offense. Each day's violation constitutes a separate offense.