

CHAPTER 10

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ARTICLE I. GENERAL PROVISIONS

Sec. 10.1 Supervision

All public streets, alleys, sidewalks and other public ways shall be under the supervision of the Superintendent of Public Works. The Superintendent shall have supervision over all work thereon and the cleaning thereof and shall be charged with the enforcement of all ordinance provisions relating to such public places (except the traffic ordinances) and is hereby authorized to enforce such ordinances.

Sec. 10.2 Construction

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 having first secured a permit therefore. 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 or firm who is to do the actual construction work. No such permits shall be issued except on order of the President or his/her designee.

Sec. 10.3 Bond

Each applicant shall file a bond in the amount of Ten Thousand Dollars (\$10,000.00) with sureties to be approved by the President or his/her designee, conditioned to indemnify the Village from any loss or damage resulting from the work undertaken or the manner of doing the same.

Sec. 10.4 Specifications

All street and sidewalk pavement shall be made in conformity with the specifications laid down from time to time by the President and Board of Trustees.

Sec. 10.5 Injury to Pavements

It shall be unlawful to walk upon or drive any vehicle or animal upon or injure any newly laid street or alley pavement while the same is guarded by a warning signal or barricade, or to knowingly injure any street, sidewalk or alley pavement at any time.

Sec. 10.6 Repairs

All public streets, alley and sidewalk pavement shall be in good repair. Such repair work, whether done by the Village or the abutting owner, shall be under the supervision of the Superintendent of Public Works.

Sec. 10.7 Defects

It shall be the duty of every Village Officer or employee becoming cognizant of any defect in any street, alley or sidewalk, or any obstruction thereof, to report the same to the Superintendent of Public Works as soon as possible.

Sec. 10.8 Obstructions

It shall be unlawful for any person, firm or corporation to cause, create or maintain any obstruction on any street, alley, sidewalk or other public way, except as may be specifically authorized by ordinance or by the Superintendent of Public Works.

Sec. 10.9 Barricades

Any person, firm or corporation laying or repairing any pavement on a street, sidewalk or other public place or making excavation in the same shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work. Such barricades shall be protected by suitable lights at night time. Any defect in such pavement shall be barricaded to prevent injury, and any person, firm or corporation 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.

Sec. 10.10 Disturbing Barricades

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

Sec. 10.11 Private Use

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

Sec. 10.12 Encroachments

It shall be unlawful for any person, firm, corporation or other entity to erect or cause to be erected, to retain or cause to be retained, any Encroachment upon any public street, Roadway Right-of-Way, Project Right-of-Way, public property (specifically including U.S. Route 150/Knoxville Street right-of-way), except for Permissible Encroachments. The following definitions shall apply to this Section: *Roadway Right-of-Way* is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect; *Project Right-of-Way* is defined as those areas within project right-of-way lines established jointly by the Village and State which will be free of encroachments except as hereinafter defined; *Encroachment* is defined as any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the Project Right-of-Way where no project right-of-way line has been established, or which is placed, located or maintained upon any public street or public property; *Permissible Encroachment* is defined as any existing awning, marquee, sign advertising activity on the property or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway or street, the permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined to adjacent buildings.

Sec. 10.13 Drains

It shall be unlawful to construct any drain in any public street or alley.

Sec. 10.14 Poles and Wires

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

Sec. 10.15 Gas Pumps

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

Sec. 10.16 Excavations

It shall be unlawful to make any excavation in or tunnel under any public street, alley, sidewalk or other public place in the Village without having first secured a permit therefor. Applications for such permits shall be made to the Village Clerk and shall specify the intended location and purpose of the excavation. No person shall make any such excavation or tunnel without first having secured and furnished the Village with a copy of or certificate of a bond or policy conditioned to indemnify and hold the Village harmless from any loss, damage or liability resulting from the work done or any acts or omissions in connection therewith. Any such person making any such excavation shall refill the same properly and shall restore the surface to its condition before the excavation was made as soon as possible. All such excavations, refills and resurfacing shall be made subject to the supervision and under the direction of the Superintendent of Public Works.

Sec. 10.17 Openings

It shall be unlawful to construct or maintain any opening or stairway in any public street, alley, sidewalk or other public place without a permit therefore. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing to the approval of the Superintendent of Public Works.

Sec. 10.18 Barb Wire Fences – Electric Current Fences

It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar materials designed to cause injury to person, or any wire charged with electrical current, anywhere within the Village except to protect industrial property, in which case barbed wire must be at least six feet above sidewalk and extend inward of property.

Sec. 10.19 Deposits on Streets

It shall be unlawful to deposit on any street any material which may be harmful to the pavement thereof or any glass or other articles which may cause injury to any person, animal or property. Materials may be deposited in streets preparatory to delivery for use, provided that such deposit does not reduce the

usable width of the street or roadway at that point to less than eighteen feet, and provided that such material shall not be permitted to remain in such street for more than three hours. Any such material shall be guarded by lights if the same remains upon any street after night time.

Sec. 10.20 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 of the sidewalk is not thereby reduced to less than four feet and provided that no such article shall remain on such walk for more than one-half hour.

Sec. 10.21 Snow Removal

It shall be unlawful for the owner or occupant of the premises abutting any public sidewalk to allow snow to accumulate on such sidewalk to such an extent that a hazardous condition likely to contribute to the injury of those lawfully using said sidewalk results.

Sec. 10.22 Burning Leaves and Rubbish

It shall be unlawful for any person, firm or corporation to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the Village.

Sec. 10.23 Driveways

It shall be unlawful to construct or maintain any driveway in or across any public walk in the Village where this necessitates any interference with or change in the grade of any public sidewalk, curb or parkway without having first obtained a permit therefor. Applications for such permits shall state the size, location and material to be used in such driveway, and it shall be unlawful to depart from such specifications or vary from them without permission from the President and Board of Trustees. It shall be the duty of the person, firm or corporation maintaining such driveway to keep the same free from snow and ice or any obstruction and to keep the same in good repair where the same crosses a public sidewalk.

Sec. 10.24 Penalty

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Article, shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

Sec. 10.25 **Fee**

A fee of Twenty-five Dollars (\$25.00) shall be paid for any permit issued under this Article. Such fee is nonrefundable and shall be paid with an application for the permit on forms to be provided by the Village.

Sec. 10.26 – 10.69 **Reserved**

ARTICLE II. TREES AND SHRUBS

Sec. 10.70 Planting

It shall be unlawful to plant any tree or shrub in any public street or parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the Village Clerk and shall be referred to the Clerk by the President and Board of Trustees of the Village. All trees and shrubs so planted shall be placed subject to the requirements of such permit.

Sec. 10.71 Removals

It shall be unlawful to remove or cut down any tree or shrub in any street, parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the Village Clerk and shall be referred by the Clerk to the President and Board of Trustees for approval before permission shall be granted.

Sec. 10.72 Injury

It shall be unlawful to injure any tree or shrub planted in any such public place.

Sec. 10.73 Advertisements or Notices

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

Sec. 10.74 Dangerous Trees

Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises on which such trees or shrub grow so that obstruction will cease. Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

Sec. 10.75 Wires

It shall be unlawful to attach any wire or other rope to any tree in any public street or parkway or other public place without permission of the President and Board of Trustees. Any person or company given the right to maintain poles and wires in the streets, alleys or other public places in the Village shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places, so far as may be possible, and shall keep all such trees and shrubs properly trimmed (subject to the supervision of the Superintendent of Public Works) so that no injury shall be done to the poles or wires or shrubs and trees by contact.

Sec. 10.76 Gas Pipes

Any person, firm or corporation maintaining any gas pipe in the Village shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks.

Sec. 10.77 Excavations

In making excavations in streets or other public places proper care shall be taken to avoid injury to the roots of any tree or shrub wherever possible.

Sec. 10.78 Penalty

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Article, shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00) for each offense, and said person, firm or corporation shall pay all costs and expenses involved in the case. Each day a violation continues shall constitute a separate offense. Nothing herein contained shall prevent the Village from taking such lawful action as is necessary to prevent or remedy any violation.

Sec. 10.79 Fee

A nonrefundable fee of Twenty-five Dollars (\$25.00) shall be paid at the time of application for a permit under this Article.

Sec. 10.80 – 10.99 Reserved

ARTICLE III. STREET NUMBERING

Sec. 10.100 Numbering

All lots, houses, buildings and structures in the Village shall be numbered in accordance with the following plan:

The base line for streets running North and South shall be Knoxville Street, and numbers lying North or South thereof shall be designated North or South, as the case may be; the base line for streets running East and West shall be Galena Avenue, and numbers lying East and West of this line shall be designated East or West, as the case may be. Numbering shall begin with the base lines with the number 100, and one unit shall be allowed for each 10 feet of frontage. Provided that the numbers at each block shall begin with one hundred or a multiple thereof.

Odd numbers shall be on the North and West sides of the street.

It shall be the duty of the owner and occupant of every building, except outbuildings or accessory buildings, in the Village to have placed thereon in a place visible from the street, figures at least two and one-half inches high showing the number of the building.

Sec. 10.101 Chart

The Village Clerk shall keep a chart showing the proper street number of every lot in the Village, which chart shall be open to inspection by anyone interested.

Sec. 10.102 Penalty

Any person, firm or corporation violating any provision of this article shall be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Provided that no such person shall be liable for the penalty herein provided until after he/she has received from the Clerk a notice sent him/her by mail, or by personal service, of the fact that a building owned or occupied by him/her does not have the proper number to comply with this Article.