

Chapter 26
STREETS and SIDEWALKS

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26.01 VILLAGE DATUM

The Village datum is USGS.

26.02 ENCROACHMENTS ON STREETS AND RIGHTS-OF-WAY, *Amended, 2015-13*

A. Permit: No person shall erect or maintain any structure or thing on, over or under any street or public right-of-way (including the non-paved portion thereof), except parking pads in accordance with the provisions of Chapter 19.09, Driveways, of this Code or by permit from the Village Board. Application for such permit shall describe the nature of the encroachment in such detail as the Board shall require. The Village Board, in its discretion, may issue or deny the permit, and may impose any conditions to such permit it deems appropriate. Permitted encroachments are mailboxes and newspaper chutes on posts, provided that they are erected in conformance with U.S. Postal Service regulations; roadway signage erected or authorized by the Village for the purpose of street name identification, traffic regulations and other public purposes; and guardrails, markers or other structures or objects erected or authorized by the Village for the purpose of protecting or enhancing public health, safety and welfare. In addition, temporary encroachments of rocks are permitted in rights-of-way only, set back at least two feet from any paved surface, from April 1 to September 30 of each year, as long as street maintenance projects are not interfered with. Between October 1 and March 31 of the following year, such rocks shall be set back at least 10 feet from any paved surface to permit unobstructed snow plowing and winter driving conditions. Any damage incurred due to temporary encroachments shall be the sole responsibility of the property owner and the Village shall not be liable for same.

B. Nuisance: Any encroachment maintained in violation of this Section 26.02 is declared a nuisance and may be abated by the Village.

C. Penalty: Any person, firm or corporation violating any provision of this Section 26.02 shall be fined not less than \$25.00 nor more than \$1,000.00. Each day that the violation exists shall be considered a separate cost. The violator shall be responsible for all costs of repair and abatement incurred by the Village including attorney, engineering, expert witness fees and the repair of any damage to Village property.

26.03 DAMAGE TO PUBLIC PROPERTY

No person shall damage or deface any street, sidewalk, public way, park or other public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon.

26.04 OBSTRUCTING STREETS

A. Free Passage: No person shall obstruct or endanger the free passage or proper use of the public of any street, sidewalk or public place, except as may be permitted by this Code. No person shall play any games in the roadway of any street.

B. Loading, Unloading: Goods, wares and merchandise may be placed on the public way for such reasonable time as may be necessary while loading and unloading, but not exceeding one hour, provided pedestrian traffic is not obstructed.

26.05 DEBRIS ON STREETS

A. Litter: No person shall litter or deposit any foreign matter on any street, sidewalk, park or public place, except building materials and merchandise as permitted under this Code, or as may be permitted by the Village Board.

B. Drainage: No person shall obstruct the flow of water in any street, gutter, sewer, catch basin or culvert.

26.06 SUMP PUMP DISCHARGE

No person shall construct, alter, maintain or in any way provide for the discharge of a sump pump, either directly or indirectly, to any public street, sidewalk or right-of-way.

26.07 CURBS AND GUTTERS, *Amended 2021-10, 2017-34*

A. Construction Required: Curbs and gutters shall not be required to be constructed on all streets in the Village except when required by the Village for new developments or when constructed by the Village under special assessment proceedings made in connection with street improvements or when, in the discretion of the Village Board, such construction is otherwise deemed necessary.

B. Uniform Construction: All curbs and gutters hereinafter built in the Village shall be of uniform construction and built under the supervision of the Village Engineer and Village Manager. No curb or gutter shall be constructed unless the same complies with the provisions herein stated, and all property owners complying with the provision shall pay the entire costs of constructing the curb and gutter adjacent to or abutting his property.

C. Location: The type, height, location and method of construction of curb and gutters shall be determined by the Village Engineer.

26.08 OPENINGS IN STREETS *Amended 2021-10, 2017-34*

A. Permit: No street, tree bank, public ground or place shall be disturbed or opened, nor shall any material or thing be placed or kept therein without first making application to the Village Manager for the privilege of making said opening and to have a written permit issued by the Village Manager for said opening.

B. Application: Persons desiring such openings shall make application to the Village Manager on a form furnished by the Village. No permit will be issued until the permittee:

1. Completes an application for opening on a form furnished by the Village and states fully all purposes for which the opening is required.
2. Contacts all individuals or corporations operating gas, electric, telephone or other public utility in the area, as well as the Village itself to receive from them the information as to the existence and location of any underground facilities, so that the proper precautions can be taken to avoid serious damage to the underground structures. Before opening is started the applicant shall furnish the Village Manager with written statements from persons named above to the effect that they have been informed of the proposed project.
3. Files a work scheduled approved by the Village Manager indicating starting date and date of completion and number of hours each day that work will be undertaken.
4. Agrees to make an opening in such a manner as to not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to or from properties affected.

If an opening requires the closing of a street permit approval is required from the Village Board and the permittee shall provide for and pay all costs of detouring traffic.

5. Secures an Illinois Department of Transportation permit if required.

6. Secures appropriate Village permits if opening is for the purpose of making connection to the water or sanitary sewer system.
7. Pays a permit fee, which shall be determined from time to time by the Village Board.
8. Agrees to pay all costs of Village engineering or inspection services if deemed necessary by the Village Manager. Permittee may be required to place on deposit with the Village an estimated cost of engineering and/or inspection services. The permittee, however, shall only pay the actual costs of such services.
9. File with the Village a good and sufficient bond payable to the Village with surety approved by the Village, conditioned that such person shall faithfully observe the ordinances of the Village and shall make and repair such openings and space, and shall save and keep harmless the Village from all costs arising in any manner or way from the granting of such permit. The amount of the bond shall be determined by the Village Manager but in no case shall it be less than \$1,000.00.
10. Agrees to adequately protect all excavations with barricades, lights, or other means of protection required by the Village Manager. He shall also place on file the name, address and home telephone number of the person responsible for the work.
11. Agrees that materials used and methods of construction shall be in conformance with specifications established by the Village Engineer. All work shall be under the supervision of the Village Manager.
12. Agrees to secure and protect the Village from any liability or damage whatsoever for injury, including death, to any person or property and files with the Clerk liability insurance certificates in an amount to be established from time to time by the Village Board, but in no case less than \$1 million.

C. Default: In any case where a permittee shall be in default or shall fail to comply with the requirements of this Section, or shall fail to complete the work on the date agreed upon, the Village Manager shall order the work completed by the Village and shall so notify the permittee and surety in writing. The Village shall recover the cost from the permittee or his surety.

26.09 **MOVING BUILDINGS** *Amended 2021-10, 2017-34*

A. Permit: It shall be unlawful for any person to move any building into, along or across any street, alley or public ground within the Village without first obtaining a written permit from the Building Commissioner. A fee for the issuance of a permit shall be payable in an amount found in Section 19.08 of this Code.

B. Route: Such permit shall set forth the route to be taken in moving such building and the route shall be determined so as to cause the least interference with public use of the streets and the least danger of injury to public or private property.

C. Obstructions: The building shall at no time be left standing where it may cause any obstruction to streets at intersections. Due care shall be taken to avoid damage to streets, trees and all public and private property.

D. Utilities: If in the moving of any building along the route laid out in the permit, it shall be necessary to cut or remove any wire or wires belonging to any telephone, electric or cable television company, it shall be the duty of the person in charge of the building to give the company 24 hours notice by informing its agent or representative in the Village, or, if the company has no representative in the Village, then by notifying its nearest representative of the time when such building will approach such wire or wires and arrange for the removal of the same by the company, to allow the passing of the building.

E. Surety Bond: The Building Commissioner shall not issue a permit for moving any building unless the person making application has first executed and filed with the Village a bond with sureties to be approved by the Village Manager or his designee, conditioned upon the full compliance by the person to whom such permission is given, with all the provisions of this Section 26.09 and for the payment of all penalties incurred by him, and all damages to public and private property or interests for which he may be found liable.

F. Time Limit: The owner of any building or the contractor for its removal, or either of them, shall not allow the building to remain in any of the streets or alleys, or upon any of the Village public grounds for any time longer than may be specified in the moving permit.

G. Warning Lights: The owner of any building or the contractor having charge of its removal or either of them shall place warning signals on any building while it is being moved through the streets or Village public grounds, and the owner or contractor having charge of the removal of any building shall cause red lights to be placed on any building being moved, that is left standing in any street, alley or public ground during the night time.

26.10 **STREET NUMBER IDENTIFICATION**

A. Arabic Numerals: It shall be the duty of the owner and occupant of every building in the Village to have placed thereupon in a place visible from the street, Arabic numerals at least two and one-half inches high showing the number of the building.

B. Chart: The Village 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.

C. Penalty: Any person violating this Section 26.10 shall be fined not less than \$25.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a

violation occurs or continues. No person shall be liable for the penalty herein provided until after he has received from the Village a notice sent by mail, or by personal service, of the fact that a building owned or occupied by him does not have the proper number to comply with this Section 26.10.

26.11 MAILBOX INSTALLATIONS

A. Mailboxes: It shall be the duty of the owner and occupant of every dwelling unit in the Village to have placed on a mailbox in a visible manner, Arabic numerals at least one inch high showing the number of the dwelling. Numerals must be placed on the side of the mailbox from which the mail carrier approaches. The placement of numerals on both sides of the mailbox and the use of reflective numerals is encouraged.

B. Installation and Placement: Mailboxes installed along Village streets shall be in accordance with this Section 26.11. Mailbox posts shall not be reinforced or fortified so as to prevent or hamper them from breaking away or destructing upon impact. Mailboxes shall be installed such that the bottom edge of the mailbox is between 32 to 4 feet from the road surface. The front of the mailbox shall be in line with the back of the curb. On roads without curbs, the front of the mailbox shall be at least six inches from the edge of the roadway. Mailbox or mailbox post encroachment upon any street or road pavement is prohibited. Mailboxes and posts shall be maintained in good repair.

C. Right-of-Way: All mailboxes and mailbox posts shall be located in such a manner that they shall not interfere with the public's use of any road or street and shall not interfere with street maintenance projects, such as snow plowing and street cleaning. The Village shall not be liable or responsible for the damage or replacement of any mailboxes and/or mailbox posts in violation of this Section 26.11.

D. Penalty: Any person violating this Section 26.11 shall be fined not less than \$25.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

26.12 GAS PIPES *Amended 2021-10, 2017-34*

No person owning or maintaining any gas pipes or mains beneath the surface of any street in the Village shall permit any leak to occur in such pipes or mains. In the event that a leak exists or occurs in any such pipe or main, it shall be the duty of the person owning or using such defective pipe or main to repair the same immediately and stop such leak in a manner so as to prevent a recurrence of the same trouble, after receiving notice in writing from the Village Manager, calling the attention of such person to the fact that such leak exists. If such person fails within five days after the receipt of such notice to stop such leak in a manner so as to prevent a recurrence thereof, such person shall be subject to the penalty provided for violation of this Code.

26.13 PENALTY

Except as provided, any person, firm or corporation violating any provision of this Chapter 26 shall be fined not less than \$50.00 nor more than \$1,000.00. Each day that the violation exists shall be considered a separate cost. The violator shall be responsible for all costs of repair and abatement incurred by the Village including attorneys' fees, expert witness fees, filing fees and court costs.