

CHAPTER 33

STREETS

ARTICLE I - DEPARTMENT ESTABLISHED

33-1-1 **DEPARTMENT ESTABLISHED.** There is hereby established a department of the Public Works Department known as the Street Department. It shall embrace the Standing Committee on Streets and Alleys and the Director of Public Works.

33-1-2 **SUPERVISION OVER STREETS.** The Committee on Streets and Alleys shall exercise a general supervision over the affairs of the Street Department. It shall ascertain the needs of the Public Works Director for the Street Department thereof and shall, from time to time, report the same to the Mayor and the Village Board.

ARTICLE II - GENERAL REGULATIONS

33-2-1 **UNDERMINING.** No person shall undermine in any manner, any street or any other ground or real estate situated in the Village or belonging to any private person.

33-2-2 **OPEN DOORS.** No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the Village for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

33-2-3 **REPAIRING SIDEWALKS, ETC.** Whenever any sidewalk, pavement, or cellar door on the same becomes worn out or out of repair, or is torn up or broken and uneven, it shall be the duty of the Public Works Director to immediately report such fact to the Mayor or Street and Alley Committee, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay.

33-2-4 STAIRWAY - RAILING. Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

33-2-5 CLOSING STREET. Whenever public safety or the improvement or repair of any street, alley, or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley, or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley, or public place, or in any manner, destroy, deface, or remove any such sign.

33-2-6 SIGNS ACROSS STREET. No person shall place any sign, advertisement, or banner over any or across any street, alley, or sidewalk in the Village, unless he has written approval of the Village Board. **(Ill. Rev. Stat., Ch. 24; Sec. 11-80-17)**

33-2-7 VEHICLES ON SIDEWALKS. No person shall operate any bicycle or vehicle over any sidewalk, except in crossing the same to go into a yard or parking lot.

33-2-8 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 (4) feet**; and provided that no such article shall remain on such walk for more than **one (1) hour**.

33-2-9 OBSTRUCTING STREET.

(A) It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, or any grass clippings, or to cause a lawn mower to blow grass clippings onto a street or any other articles such as glass which may cause injury to any person, animal, or property.

(B) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley, or sidewalk in the Village, any debris, materials, or obstruction, except as may be permitted by this Code.

(C) It shall be the duty of the Police Department to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once.

33-2-10 **RAINWATER DRAINS.** It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the Village Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Public Works Director and no such permit shall be issued unless he shall have found that the Village Code would be complied with by the installation of such storm water drain or drainage pipe and that the installation of such storm water drain or drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the Village.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the Village and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than **eighteen (18) inches** above the ground or pavement.

33-2-11 **BUILDING MATERIALS IN STREET.** The Public Works Director may move any obstruction in any street or sidewalk of the Village, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than **one-half (1/2)** of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material.

33-2-12 **MERCHANDISE ON PUBLIC STREET.** 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 make any signs or advertisements on any such pavements, unless permission is granted by the Village Board.

33-2-13 **ENCROACHMENTS.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-14 **POSTING BILLS.** No person shall erect or maintain any sign, sign post, pole, pillar, banner, or flag, or to post any handbill or mark, stencil, or paint any advertisement or sign upon any utility pole, tree, post, curb, sidewalk, or other structure on, across, or extending into any public street, sidewalk, alley, parkway, public planting, strip, or other municipal property, except:

(A) The United States flag when securely fastened and properly displayed according to law;

(B) Legal notice posted according to law;

(C) Street names, traffic signs, and other directional signs erected by public authority having jurisdiction;

(D) Church and civic organization directory and designation signs when specifically authorized by the Village Board and placed at the direction of the Street and Alley Committee;

(E) Signs advertising the business of the proprietor carried on in the premises to which the sign is attached and which may extend over the sidewalk area at not less than **twelve (12) feet** above the level of the sidewalk and when securely fastened; or

(F) Temporary signs and banners for special occasions when specifically authorized by resolution of the Village Board upon reasonable terms and conditions deemed necessary to protect the public interest.

33-2-15 **PLAYING IN STREETS.** No person shall play any game or amusement or allow their children to play any game or amusement in any public street in the Village, except small children may be allowed to play upon sidewalks in residential areas.

33-2-16 **INJURY TO NEW PAVEMENTS.** It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement, that is not fully cured or bridged properly.

33-2-17 **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 persons, or any wire charged with electrical current, anywhere within **fifty (50) feet** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **five (5) feet** above the level of such public place.

33-2-18 **HOUSE NUMBERING.** All residents and owners of dwellings and/or buildings in the Village are required to conspicuously display a numbered address on all living units and businesses so that public safety vehicles and postal authorities may readily identify the location. The numbers shall be at least **three (3) inches** in height.

ARTICLE III - TREES AND SHRUBS

33-3-1 **PLANTING.** It shall be unlawful to plant any tree, bush, shrub or other plants 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 Public Works Director and shall be referred by him to the Village Board. All trees and shrubs so planted shall be placed subject to the directions and approval of the Village Board.

33-3-2 **REMOVAL.** It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the Public Works Director and shall be referred by him to the Village Board before permission shall be granted.

33-3-3 **INJURY.** It shall be unlawful to injure any tree or shrub planted in such public place.

33-3-4 **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.

33-3-5 **DANGEROUS TREES.** Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than **eight (8) feet** or 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 or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or 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.

The Public Works Director may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

33-3-6 **RESERVED.**

33-3-7 **WIRES.** It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway, or other public place without the permission of the Public Works Director.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the municipality 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 Public Works Director so that no injury shall be done either to the poles or wires or the shrubs and trees by the conduct.

33-3-8 **GAS PIPES.** Any person or company maintaining any gas pipe in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

ARTICLE IV - EXCAVATIONS

33-4-1 **PERMIT REQUIRED.** It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the Village without having obtained a permit as is herein required or without complying with the provisions of this Article or in violation of or variance from the terms of any such permit.

33-4-2 **APPLICATIONS.** Applications for such permits shall be made to the Clerk and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm or corporation doing the actual excavating work; and the name of the person, firm or corporation for whom or for which the work is being done, and it shall also contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. **(See Appendix “A”)**

33-4-3 **FEES.** The fee for such permit(s) shall be as follows; however, the Village Board may waive the fees in this Section:

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|-----|---|---------------------|
| (A) | Excavation in asphalt or Portland cement concrete pavement or surface | 25¢ per square foot |
| (B) | Excavation in brick pavement or surface | 25¢ per square foot |
| (C) | Excavation in oil treated street surface | 25¢ per square foot |
| (D) | Excavation in untreated or unimproved street
or surface | 25¢ per square foot |

33-4-4 **BOND.** No such permit shall be issued unless and until the applicant therefor has filed with the Clerk a bond in the sum of **Fifty Thousand Dollars (\$50,000.00)**, conditioned to indemnify the Village for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavation. Such bond shall have as surety a corporation licensed to do business in the state as a surety company. The Village Board may waive the bond provided for herein.

33-4-5 **DEPOSIT.** No such permit shall be issued unless and until the applicant therefor has deposited with the Clerk a cash deposit in the sum of **Two Hundred Fifty Dollars (\$250.00)** if no pavement is involved, and **One Thousand Dollars (\$1,000.00)** if the excavation is a paved area, to insure the proper restoration of

the ground and laying of the pavement, if any. From this deposit shall be deducted the expense to the Village of relaying the surface of the ground or pavement and of making the refill if this is done by the Village or at its expense and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. The Village Board may waive the deposit in this Section.

33-4-6 **MANNER OF EXCAVATING.** It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels; and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the Village department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree, shrub or the roots thereof.

33-4-7 **SIDEWALKS.** If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users. The temporary sidewalk is subject to inspection by the Public Works Director and shall not be open for use until approved by him.

33-4-8 **RESTORING SURFACE.** Any person making any excavation or tunnel in or under any public street, alley, or other public place in the Village shall restore the surface to its original condition if there is no pavement there. Backfills should be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a street shall be repaired and the surface relaid by the applicant in compliance with the regulations of the Village and under the supervision of the Public Works Director.

33-4-9 **SUPERVISION.** The Public Works Director shall, from time to time, inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, alley, or other place in the Village to see to the enforcement of the provisions of this Code. Notice shall be given to him at least **twenty-four (24) hours** before the work of refilling any such tunnel or excavation commences.

33-4-10 **TUNNELING.** It shall be unlawful to make any excavation in any portion of a street or sidewalk in the Village which is paved with a concrete or asphalt paving. Where necessary, and where a proper permit has been secured, tunnels may be driven or excavated under any such pavement, provided that upon completion of the work involved, the tunnel shall be backfilled with compacted material approved by the Public Works Director.

33-4-11 **PROTECTIVE MEASURES AND ROUTING OF TRAFFIC.** It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public. (A)

Barriers, warning signs, and lights shall conform to the requirements of all applicable provisions of this Code. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day.

(B) Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace light sources.

(C) The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as nearly normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. When traffic conditions permit, the Public Works Director may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. Such written approval may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

(D) Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street and cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the Public Works Director.

33-4-12 **CLEARANCE FOR VITAL STRUCTURES.** The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, and all other vital equipment as designated by the Public Works Director.

33-4-13 **PROTECTION OF TRAFFIC.** The permittee shall maintain safe crossings for **two (2) lanes** of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than **three hundred (300) feet**. If any excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least **one-half (1/2)** of the sidewalk width shall be maintained along such sidewalk line.

33-4-14 **RELOCATION AND PROTECTION OF UTILITIES.** The permittee shall not interfere with any existing facility without the written consent of the Public Works Director and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. The facility owned by the Village shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately-owned facilities shall be similarly borne by the permittee unless other arrangements are made with the person owning the facility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. The permittee shall secure approval of method of support and protection from the owner of the facility.

In case any of said pipes, conduits, poles, wires, or apparatus should be damaged, and for this purpose, pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this Section that the permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The Village shall not be made a party to any action because of this Section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

33-4-15 **ABANDONMENT OF SUBSTRUCTURES.** Whenever the use of a substructure is abandoned, except the abandonment of service lines designed to service single properties, the person owning, using, controlling, or having an interest therein shall, within **thirty (30) days** after such abandonment, file with the Public

Works Director a statement in writing giving such detail the location of the substructure so abandoned. If such abandoned substructure is in the way or subsequently becomes in the way of an installation of the Village or any other public body, which installation is pursuant to a governmental function, the owner shall remove such abandoned substructure or pay the cost of its removal during the course of excavation for construction of the facility by the Village or any other public body.

33-4-16 **PROTECTION OF ADJOINING PROPERTY.** The permittee shall, at all times, and at his or its own expense, preserve and protect from injury, any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where, in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain consent from the owner of such private property for such purpose and if he cannot obtain such consent, the Public Works Director may authorize him to enter the private premises solely for the purpose of making the property safe.

At the permittee's own expense, all buildings, walls, fences, or other property likely to be damaged during the progress of the excavation work shall be shored up and protected, and the permittee shall be responsible for all damage to public or private property or highways resulting from failure to properly protect and carry out the work. Whenever it may be necessary for the permittee to trench through any lawn area, said area shall be reseeded or the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this Article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily, any trees or shrubs which exist in parking street areas without first obtaining the consent of the Public Works Director or official having supervision of such property.

33-4-17 **PLACEMENT OF EXCAVATED MATERIAL.** All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as to eliminate danger to those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Public Works Director shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench

site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Public Works Director. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the Public Works Director to prevent the spreading of dirt into traffic lanes.

33-4-18 **CLEAN-UP.** As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Public Works Director. From time to time as may be ordered by the Public Works Director and in any event, immediately after completion of the work, the permittee shall, at his or its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work and upon failure to do so within **twenty-four (24) hours** after having been notified to do so by the Public Works Director, said work may be done by the Director and the cost thereof charged to the permittee and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

33-4-19 **PROTECTION OF WATERCOURSES.** The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least **one (1) foot** in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained. The permittee shall make provisions to take care of all surplus water, muck, silt, slickings, or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

33-4-20 **BREAKING THROUGH PAVEMENT.**
 (A) Heavy duty pavement breakers may be prohibited by the Public Works Director when the use endangers existing substructures or other property.
 (B) Saw cutting of Portland cement concrete may be required when the nature of the work or the condition of the street warrants. When required, the depth of the cut shall not be less than **two (2) inches** in depth; however, depths greater than **two**

(2) inches may be required by the Public Works Director when circumstances warrant. Saw cutting may be required by the Director outside the limits of the excavation over cave-outs, overbreaks and small floating sections.

(C) Approved cutting of bituminous pavement surface ahead of excavations may be required by the Director to confine pavement damage to the limits of the trench.

(D) Sections of sidewalks shall be removed to the nearest score line or joint.

(E) Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.

(F) Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

(G) Cutouts outside of the trench lines must be normal or parallel to the trench line.

(H) Boring or other methods to prevent cutting of new pavement may be required by the Public Works Director.

(I) The permittee shall not be required to repair pavement damage existing prior to excavation unless his cut results in small floating sections that may be unstable, in which case, the permittee shall remove and pave the area.

33-4-21 DEPTH OF STRUCTURES. No person shall, without written permission of the Public Works Director, install any substructure except manholes, vaults, valve casings, culverts, and catch basins at a vertical distance less than:

(A) **Streets.** **Twenty-four (24) inches** below the established flow line of the nearest gutter. If said flow line is not established, then the depth shall be at a minimum of **twenty-four (24) inches** below the surface of the nearest outermost edge of the traveled portion of the street.

(B) **Parkway.**

(1) The minimum depth of any substructure shall be **twenty-four (24) inches** below established gutter grade when said substructure parallels the parkway.

(2) The minimum depth of any substructure shall be **twenty-four (24) inches** below the top of the established sidewalk or curb when such substructure is at right angles to the parkway.

(C) **Other Public Places.** The minimum depth of any substructure in any other public place shall be **twenty-four (24) inches** below the surface.

Nothing in this Section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes of grade in the surface unless the grade in said substructure interferes with the maintenance of or travel on a public street.

33-4-22 **BACKFILLING.** Fine material, free from lumps and stone, selected from the soil shall be thoroughly compacted around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed to the subgrade of the pavement in lifts consistent with the type of soil involved and the degree of consolidation specified by the Village Board. Broken pavement, large stones, roots and other debris shall not be used in the backfill.

The number and size of each lift shall be dependent upon the type of soil involved. Such backfill shall be done in a manner that will permit the restoration of the surface to a density condition not less than that existing prior to excavation unless otherwise specified. The Public Works Director may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in his opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the minimum requirements as prescribed by the Village Board. All expense of such tests shall be borne by the permittee.

33-4-23 **TRENCHES IN PIPE LAYING.** The maximum length of open trench permissible at any time shall be in accordance with existing codes and regulations. (See Chapter 34, Sec. 34-3-10)

33-4-24 **PROMPT COMPLETION OF WORK.** After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be so as not to obstruct the public place or travel thereon more than is reasonably necessary.

33-4-25 **URGENT WORK.** When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Director shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee **twenty-four (24) hours** a day so that such excavation work may be completed as soon as possible.

33-4-26 **EMERGENCY ACTION.** Nothing in this Article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Director for such a permit on the first working day after such work is commenced.

33-4-27 **NOISE, DUST AND DEBRIS.** Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of **10:00 P.M.** and **7:00 A.M.**, shall not use except in case of emergency as otherwise provided herein, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

33-4-28 **PRESERVATION OF MONUMENTS.** Any monument set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the Village shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Village Board to do so. Permission to remove or disturb such monuments, reference points or bench marks shall only be granted upon condition that the person applying for such permission shall pay all expenses incident to the proper replacement of the monument by the Village.

33-4-29 **INSPECTIONS.** The Public Works Director shall make such inspections as are reasonably necessary in the enforcement of this Article. The Director shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Article.

33-4-30 **LOCATION RECORDS.** Every public utility, after the enactment of this Article, shall maintain records showing the location of all of its underground facilities except relatively minor facilities which connect a particular premise or building to a facility serving more than one premise or building and except oil or gas-gathering or field lines. Every public utility shall maintain equipment which can locate such facilities in the field.

33-4-31 **LIABILITY OF PERSONS TO VILLAGE FOR DAMAGE.** If any person violates any provision of this Code and any person or property in consequence thereof is injured or damaged, the person so guilty of such violation shall be liable to the Village in relation thereto, and no prosecution or other proceeding by the Village of such person for any penalty imposed for a violation shall constitute a bar to such action by the Village for such damages.

(Ill. Rev. Stat., Ch. 24; Secs. 11-80-1 through 11-80-23)

ARTICLE V - STREET IMPROVEMENTS

33-5-1 SIDEWALKS.

(A) **Grade.** No sidewalk shall be built above or below the established grade of the Village and in all cases where no grade is established, any person building a sidewalk shall build the same according to the instructions of the Public Works Director and the Village Board.

(B) **Permit.** It shall be unlawful for any person to build, lay or construct any sidewalk along any property in the Village or along any of the streets, alleys, or public highways thereon, without first obtaining permission from the Director to do so.

(C) **Cost to Owner.** If the funds are available and the Village Board approves the request, the property owner shall pay the cost of the concrete and thereafter, the sidewalk shall be constructed by the Village. The cost of construction shall not include any engineering fees; these shall be paid by the Village.

(D) **Subdivisions.** This Section is not applicable to new subdivisions.
(Ill. Rev. Stat., Ch. 24; Sec. 11-80-13)

33-5-2 CURBS AND GUTTERS.

(A) **Request in Writing.** Any person owning property within the Village who desires to have new curbs and gutters constructed along the street adjoining his premises shall file a request with the Public Works Director, giving the location of the property and the length of the curbs and gutters requested.

(B) **Cost to Owner.** If the funds are available and the Village Board approves the request, the property owner shall secure performance of and shall pay all of the cost of the construction and thereafter, the curb and gutter will be maintained by the Village. The cost of construction shall not include any engineering fees; these shall be paid by the Village.

(C) **Approval by Village Board.** The approval of the request for construction of curbs and gutters by the Village Board shall be dependent upon the approval of funds, priority of projects and continuity of construction for the best benefit of the Village as determined by the Village Board.

(D) Construction of the curbs and gutters shall be in accordance with the standards established in the Subdivision Code. (See Chapter 34, Section 34-3-6.3)

(E) **Subdivisions.** This Section is not applicable to new subdivisions.
(Ill. Rev. Stat., Ch. 24; Sec. 11-80-13)

33-5-3 STORM SEWERS.

(A) **Description of Storm Water Sewers.** Storm water sewers shall be any pipe or sewer used for the carrying of surface drains, ground waters, roof leaders, or storm waters, rain waters, or other waters other than sanitary sewage.

(B) **Supervision.** The Public Works Director shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.

(C) **Permits.** Before any connection is made to the public storm water sewers, a permit shall be applied for and approved by the Director or his designated representative.

(D) **Requirements; Use of Storm Water Sewers.** Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders, or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the Village. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters, ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system.

ARTICLE VI - CULVERTS

33-6-1 OBSTRUCTION OF DRAIN OR STORM SEWER. It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

33-6-2 PERMIT FOR CULVERT. It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the Street and Alley Committee.

Thereafter, the Village shall purchase an approved culvert and shall install the same. The Village shall be responsible for the expense of **no more than one (1) culvert** per home or business establishment. An applicant requesting a culvert in excess of **twenty (20) linear feet** shall be at the expense of the applicant.

33-6-3 APPLICATION FOR PERMIT. Any person desiring a permit to install or replace any culvert shall file an application therefor with the Village Clerk upon a form to be provided for that purpose. The application and the permit issued pursuant thereto shall be on the same form which shall be substantially as outlined in **Appendix “B”** attached hereto.

33-6-4 TERMINATION OF PERMIT. All such permits shall terminate upon the expiration of **one (1) year following the date of issue.**

33-6-5 TYPE OF CULVERT BY PRIVATE PROPERTY OWNERS.
Culverts shall be installed where driveways and walkways cross open ditches. The material used for the construction of the culverts shall be reinforced concrete, corrugated steel culvert pipe with a minimum wall thickness of **fourteen (14) gauge**, or of such other material as determined by the Street Department, depending upon the conditions existing. The culverts shall be of such size, installed at the grade and constructed with couplings as determined by the Public Works Director. The person desiring the culvert shall purchase a culvert as provided herein and shall have it delivered on the site. The Village shall install the culvert.

33-6-6 COST OF INSTALLATION. Any person installing or replacing a culvert shall, at his own expense, construct and install drainage inlet boxes in such form and manner as the Public Works Director determines necessary depending on the conditions existing.

33-6-7 BACKFILL COST. Any person installing or replacing a culvert shall, at his own expense, provide and place such backfill material as the Public Works Director determines necessary to complete the project.

ARTICLE VII - DRIVEWAY CONSTRUCTION

33-7-1 **DEFINITIONS.** The following words used herein shall have the particular meaning as follows:

“APPLICANT”. Applicant shall be the owner of the private premises which is served by the driveway or curb cut.

“PARKWAY”. The parkway shall be all that part of the public right-of-way lying between the property line and the back or outside of the curb, and if no curb, outside of the improved or traveled portion of the street, except that part occupied by a sidewalk.

“SIDEWALK”. A sidewalk shall be that portion of the public right-of-way improved with Portland Cement or Asphaltic Concrete surface for pedestrians.

“STREET OR PUBLIC STREET”. A street or public street is all of the public right-of-way lying between the property lines. (Ord. #79-7; 02-05-79)

33-7-2 **PERMIT REQUIRED.** No person shall hereafter construct, build or establish in the Village any driveway over or across any portion of a public street, sidewalk or parkway, or cut into any public street curb or gutter without first having obtained a written permit to do so from the Director. The permit shall be obtained from the Village Board where it is necessary to elevate or depress the established grade of a public sidewalk or parkway. All permits shall be conditioned upon full compliance with the standards established by this Code, except as otherwise authorized by resolution of the Village Board in unusual or hardship cases.

Application for such permit shall be made in writing on forms furnished by the Village at the office of the Village Clerk. The application shall contain the name and address of the owner of the premises to be served by such driveway or curb cut, the name and address of the contractor, if any, other than the owner who shall do the work, and the proposed location and dimensions of such driveway or curb cut. Complete plans and specifications shall be submitted to the office of the Village Clerk at least **forty-eight (48) hours** before the permit shall be issued. (See Appendix “C”)

33-7-3 **PROTECTION OF PUBLIC.** The applicant or contractor, if any, shall be jointly responsible to see that at all times the work area is guarded with adequate barricades for the safety of persons or vehicles which may be upon the sidewalk or roadway abutting said premises and shall keep the same adequately lighted at night with red or amber lights or flares. The applicant and contractor shall be responsible for any damage that may be caused by the doing of the work, or the condition of the premises, and

shall indemnify and save the Village and its officers and employees harmless from all costs, claims, damages, expenses or liability of any form or nature whatsoever, including court costs and attorney's fees, that the Village or any of them might suffer by reason of any claims, suits or causes of action by reason of injury to person or property, or death of any person sustained by reason of, or arising out of the doing of the work or the condition of the premises.

33-7-4 **INSPECTION.** All such work shall be subject to inspection by the Public Works Director or his designated deputy and shall be done only in accordance with the plans and specifications submitted by applicant after approval by the Public Works Director and in accordance with the minimum specifications provided in this Code. Applicant shall advise the Village Clerk of the time or times such work shall be undertaken.

33-7-5 **RESTORATION.** In the event use of any driveway or curb cut is abandoned or discontinued, the owner of the premises shall within **six (6) months** thereafter restore the sidewalk, curb and gutter, or street improvements and parkway to the same grades and condition as the sidewalk curb and gutter and parkway adjacent to such driveway or curb cut.

33-7-6 **SPECIFICATIONS.**
 (A) Driveways for other than residential or dwelling house use shall be constructed of Portland Cement at least **six (6) inches** in thickness. Concrete shall meet the **Standard Specifications for Road and Bridge Construction of the Department of Public Works and Buildings, Division of Highways, Latest Edition.**

(B) Driveways for residential or dwelling house use shall be constructed in a manner and of a material equal at least to that existing for the paving in the public street adjacent thereto, except that where concrete pavement exists in the public street and bituminous surface is desired for the driveway. Such surface shall be permitted, provided it shall have a minimum depth of **two (2) inches** without loose material on top and has a base of water bound macadam at least **six (6) inches** thick and provided that a Portland Cement Concrete apron not less than **three (3) feet** in width be constructed between the existing concrete pavement and the proposed bituminous driveway surface.

(C) Where a driveway of any kind of material is constructed across a sidewalk space, it shall conform to the existing sidewalk grade, and if there is no existing sidewalk, then at such grade as the Director shall establish. No adjustment in the grade or slope of any sidewalk may be done except on application therefor approved by the Director. In no case shall slope of the sidewalk exceed **one (1) inch** per foot.

(D) Where a driveway of any kind of material is constructed across an existing sidewalk, said sidewalk shall be removed and replaced with Portland Cement Concrete for the full width of the driveway. This portion shall be not less than **six (6) inches** in thickness and constructed in accordance with the specifications on file in the office of the Village Clerk.

(E) Macadam, gravel, cinder and other types of driveways, where permitted herein, shall be not less than **six (6) inches** thick, compacted depth.

(F) Where paving in the public street is of concrete, and a concrete driveway is constructed, a **one (1) inch** bituminous premoulded expansion joint with load transmission unit shall be placed approximately **three (3) feet** from the edge of the said concrete paving and normal to the center line of the driveway in accordance with sketches illustrating such construction on file with the Director.

(G) The width of the driveways for other than residential or dwelling house shall not exceed **thirty (30) feet** at the outer or street edge of the sidewalk. Where **two (2)** or more adjoining driveways are provided for the same property, a safety island of not less than **ten (10) feet** at the outer or street side of the sidewalk shall be provided. Not more than **two (2)** such driveways shall be allowed to any one owner for any one piece of property on any one street for each **one hundred (100) feet** of continuous frontage thereof.

(H) The width of the driveways for single family residential or dwelling house shall be not less than **nine (9) feet** or more than **twenty-four (24) feet** at the outer or street edge of the sidewalk.

(I) The width of the driveway opening at the curb line shall not exceed the width of the driveway at the inner or property edge plus **twenty (20) feet**, nor be less than the width of the driveway at the inner or property edge of the sidewalk, plus **ten (10) feet**. In no instance should the radius be less than **three (3) feet** at curb corners, and this only when the driveway is flared; nor more than **ten (10) feet** when the driveway is at right angles to the street line. The center line of all driveways must be approximately at right angles to the curb line of the pavement in the public street for a distance of at least **ten (10) feet** from said curb line.

(J) All driveways shall be so graded between the gutter and the sidewalk that it will not be necessary to change the established grade of either and will not elevate or depress any portion of either. No part of said driveway shall extend beyond the curb line in such a manner as to change the grade of said gutter or obstruct the free flow of water in said gutter.

Where elevations or depressions are necessary in the parkway strip between the curb and walk, said parkway shall be graded on both sides of the driveway to a distance sufficient to create a gradual ascent or descent. At no time shall the gradient exceed **one (1) foot** vertical to **ten (10) feet** horizontal.

(K) Combined curb and gutter and separate curbing shall be entirely removed for the full width of the driveway open at the curb line. If an existing joint in said curb is within **five (5) feet** of the end of the driveway opening, remove the existing curbing to said joint, otherwise cut said combined curb and gutter or separate curbing, making a neat edge truly at right angles to the edge of the pavement and truly vertical. Integral curbing, which is that type placed with the pavement and molded as an integral part of it, must be removed for the full depth from the top of the curb to the bottom of the pavement. No combined curb and gutter, straight curb or integral curb shall be removed within **five (5) feet** of a public crosswalk.

(L) Where driveways cross open ditches in the parkways, culverts shall be installed. Said culverts shall be of such size and shall be constructed of such material as determined by the Director, depending on the conditions existing. In no instance shall the size of opening be less than that obtained by a **twelve (12) inch** diameter pipe. The length of culvert shall be determined by the following method: for ditch depths of **two (2) feet** or less, the culvert shall extend not less than **five (5) feet** beyond both edges of the driveway where it crosses the ditch. For each additional foot depth of ditch, add **two (2) feet** to the above figure, except that no culvert shall be less than **twenty (20) feet** long and except that where headwalls are constructed at the ends of the culvert, the length shall be as determined by the Director.

(M) Where existing meter pits are in the area of a proposed driveway, the existing cast iron top shall be removed and turned in to the Water Department. A heavier cover shall be furnished and set by the Water Department, and the additional cost thereof shall be paid by the contractor.

(N) Where an existing catch basin is in the area of the proposed driveway, the tops shall be removed and replaced with a manhole top with perforated lid. Said top shall be set by the Street Department and the additional cost thereof shall be paid by the contractor.

(O) All driveways constructed or reconstructed over, across, or upon any public street or public parkway in the Village shall be kept and maintained at all times in accordance with the provisions hereof by the persons so constructing, reconstructing or using the same as an adjunct or appurtenance to lands or properties immediately adjacent thereto.

33-7-7 **UNUSUAL OR HARDSHIP CONDITIONS.** Whenever an unusual situation exists, or where the strict application of these specifications would create a hardship or injustice to the property owner, or be impractical to use or develop the property consistent with these specifications in a reasonable manner, and if the public interest is not materially affected, the Village Board, by resolution or ordinance may permit a variation or deviation from these specifications to such extent and subject to such limitations and conditions as the Village Board may deem proper under the circumstances.

ARTICLE VIII – ADOPT-A-HIGHWAY

33-8-1 **ESTABLISHMENT OF PROGRAM.** There is hereby established within the Village an Adopt-A-Highway program.

33-8-2 **PROGRAM ADOPTED BY REFERENCE.** The Adopt-A-Highway program so established shall be in accordance with the provisions and requirements of the Illinois Adopt-A-Highway Act (**605 ILCS 120**), which is expressly incorporated herein by reference. Except as otherwise expressly provided herein, all terms used in this Code shall have the meanings stated under Section 10 of the Illinois Adopt-A-Highway Act (**605 ILCS 120/10**).

33-8-3 **SUPERVISION OF PUBLIC WORKS DIRECTOR.** The Village Adopt-A-Highway Program shall be under the direction and supervision of the Director of Public Works who shall be responsible for the implementation and administration of the program and coordination of the program with the Illinois Department of Transportation as to state highways located within the Village which are considered appropriate for inclusion in the program.

33-8-4 **PARTICIPATING GROUPS APPLICATION.** All groups desiring to participate in the program shall make application to the Director of Public Works in the manner prescribed by the Director of Public Works and, if approved for participation in the program, shall enter into an agreement with the Village Department of Public Works in conformance with the provisions of **605 ILCS 120/20**.

33-8-5 **REQUIREMENTS FOR PARTICIPATION.** All groups participating in the program shall conform to the requirements of **605 ILCS 120/25**, to wit, groups shall:

- (A) Be required to obey and abide by all laws and regulations relating to safety and any other terms and conditions as required by the Village.
- (B) Provide **one (1) adult** supervisor for every **five (5) youths** when persons under age **eighteen (18)** are present on an adopted section.
- (C) Not allow a person under the age of **ten (10)** to be a member of the group who would be volunteering for the purpose of litter collection.
- (D) Require all group members to attend a safety meeting conducted by the group before participation in any litter collection along an adopted section.
- (E) Require the group coordinator, or designee, to conduct group safety meetings and to receive safety training as required by the Village.

- (F) Adopt a section for a minimum of **two (2) years**.
- (G) Collect litter along an adopted section **four (4) times** a year, or as required by the Director of Public Works.
- (H) Require the group coordinator to provide prior notice, as required by the Director of Public Works, whenever the group intends to collect litter along its adopted section.
- (I) Require group members to properly wear any safety, apparel provided by the Village while collecting litter on an adopted section.
- (J) Be responsible for prohibiting members from possessing, consuming, or being under the influence of alcohol or drugs while on an adopted section.
- (K) Maintain a first-aid kit and an adequate supply of drinking water while members are collecting litter along an adopted section.
- (L) Place litter in trash bags provided by the Village and place filled trash bags at a location on the adopted section as designated by the Director of Public Works.
- (M) Not subcontract or assign its duties or responsibilities to any other group or organization.

33-8-6 **SAFETY TRAINING.** The Director of Public Works shall establish a safety training program and procure necessary safety apparel for use in conjunction with the Adopt-A-Highway Program within the Village.

33-8-7 **HIGHWAY DESIGNATIONS.** The Director of Public Works, in conjunction with the Illinois Department of Transportation as to state highways within the Village, shall establish designated sections of streets, roads, and highways for the Adopt-A-Highway Program within the Village and shall erect appropriate approved signage to designate the designated sections in accordance with approved Illinois Department of Transportation standards.

33-8-8 **INSURANCE COVERAGE.** Any group participating in the Village Adopt-A-Highway program shall, upon request of the Director of Public Works, furnish proof of public liability insurance coverage and insurance coverage applicable to its members for any injury sustained in connection with participation in the program in such amounts as set by the Director of Public Works from time to time, and, further, that any participating group, its members, and agents shall assume all responsibility for, and hold the State of Illinois and the Village harmless from, any and all claims or actions resulting from the participating group's volunteers' or agents' participation in the program, except for the negligent acts of the State of Illinois and the Village, their respective agents, and their respective employees.

33-8-9 **TERMINATION OF GROUP.** The Director of Public Works may terminate the participation of any group or organization participating in the program for failure to comply with the terms of this Code and/or any agreement entered into in connection with the Adopt-A-Highway Program of the Village.

(Ord. No. 97-11; 06-02-97)

ARTICLE IX - MOVEMENT OF RELOCATED HOMES AND OTHER STRUCTURES THROUGH AND UPON VILLAGE STREETS

33-9-1 **DEFINITIONS.** The following words used herein shall have the particular meaning as follows:

(A) **Preexisting Housing Unit.** A home which has been previously constructed at another location and which has been raised and put on a frame with wheels or tracks for the purpose of transporting to another location.

(B) **Other Structure.** A structure, which may or may not have previously been a housing unit, but which is to be moved upon the Village system of streets and is in excess of **one (1)** traffic lane width and which would require police escort and temporary removal of signs.

33-9-2 **PERMIT REQUIRED.** It shall be unlawful for any person, firm, or corporation to move a preexisting housing unit or other structure through the system of streets in which the Village without having obtained a permit as herein required.

33-9-3 **APPLICATIONS.** Applications for movement of preexisting housing units and other structures shall be made with the Village Clerk's office and shall describe the preexisting housing unit or other structure intended to be moved upon the system of streets within the corporate limits, the intended route of street systems to be used, and the person, firm or corporation doing the actual moving; and the name of the person, firm or corporation for whom the moving is being done, and it shall contain an agreement that the applicant shall comply with all ordinances and laws relating to the work to be done.

33-9-4 **FEES.** The fee for such permit shall be as follows:

(A)	Permit Fee	\$50.00
(B)	Route Designation Fee	50.00
(C)	Speed limit and weight limit signs removed	50.00 each
(D)	Stop sign and street sign removal	75.00 each
(E)	Police escort fee \$30.00 per man hour (minimum of four (4) man hours)	30.00 hour
(F)	Movement of any sign not originally requested	100.00 each

33-9-5 **ADMINISTRATION.** The Public Works Department of the Village shall be responsible for designating the route on which any structure is to be transported on Village streets within the corporate limits. After the route has been determined, the applicant

in possession of a permit for moving the preexisting house or other structure shall notify the Public Works Department **seven (7) days** prior to the move, and of any regulatory or street signs that must be temporarily removed.

33-9-6 **RELATED RESPONSIBILITIES.** Any applicant moving the preexisting housing unit or other structure shall be responsible for any adjustments that may be necessary on electric traffic control devices including all expenses to be incurred for electrical contractors. Any electrical contractor performing work on electric control devices shall be previously approved by the Village Public Works Department.

33-9-7 **RELATED PERMITS.** Any applicant moving a preexisting housing unit or other structure shall be responsible for obtaining any and all county and State of Illinois permits which may otherwise be required.

(Ord. No. 98-9; 03-02-98)

[ED. NOTE: This Article was adopted as Article VII, but there was such an Article (Adopt-A-Highway) already in the Code.]