

TITLE 7
PUBLIC WAYS AND PROPERTY

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CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

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7-1-1: **SUPERVISION:** All public streets, alleys, sidewalks and other public ways in the village shall be under the supervision of the committee on streets and alleys. Said committee shall have supervision over all work thereon, and shall have power to enforce all ordinance provisions relating to such public places, and is hereby authorized to enforce such ordinances. (2007 Code)

7-1-2: **PERMIT TO CONSTRUCT OR REPAIR:**

- A. **Permit Required:** It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way, or to repair the same, without first having secured a permit therefor.
- B. **Application For Permit; Issuance:** 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 who

is to do the actual construction work. No such permit shall be issued except upon order of the committee on streets and alleys.

- C. Bond: Each applicant shall file a bond in an amount to be fixed by the committee on streets and alleys, adequate to protect the village, with surety to be approved by the committee, conditioned to indemnify the village for any loss or damage resulting from the work undertaken or the manner of doing the same. (2007 Code)

7-1-3: **CONSTRUCTION SPECIFICATIONS:** All street and sidewalk pavements shall be made in conformity with the specifications laid down or approved from time to time by the board of trustees. (2007 Code)

7-1-4: **REPAIRS AND DEFECTS:**

- A. Repairs Required: All public street, alley and sidewalk pavements shall be kept in good repair. Such repair work, whether done by the village or by the abutting owner, shall be under the supervision of the committee on streets and alleys.
- B. Defects Reported: 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 village board of trustees as soon as possible. (2007 Code)

7-1-5: **EXCAVATIONS; EARTH REMOVAL:**

A. Excavations:

1. Permit Required: 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.

2. Application For Permit: Applications for such permits shall be made to the village clerk and shall specify the intended location and purpose of the excavation.

3. Bond: No permit shall be issued until the applicant has given the village a bond with adequate surety, indemnifying the village for all liability arising out of said excavation or tunneling.

4. Restoration Of Excavated Area: Any person making any such excavation shall, as soon as possible, refill the same properly and shall restore the surface to the same condition as before the excavation was made.

- B. Removal Of Earth For Private Use:** It shall be unlawful, for any private purpose, for any person to dig, remove or carry away any earth, gravel or sod from any street, avenue or alley without first having secured the permission of the committee on streets and alleys. (2007 Code)

7-1-6: BARRICADES AND LIGHTS:

- A. Barricades And Lights Required:**

1. Construction And Repair Work: Any person laying or repairing any pavement on a street, sidewalk or other public place or making any excavation in any such place shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work. Such barricades shall be protected by a light at nighttime.

2. Defective Pavements; Excavations: Any defects in pavements on streets, sidewalks or other public places shall be barricaded to prevent any injury, and any person properly maintaining any opening or excavation in any such place shall guard such opening or excavation, while the same remains open, by proper barricades and lights.

- B. Disturbing Barricades And Lights Prohibited:** It shall be unlawful to disturb or interfere with any barricade or light lawfully placed to protect or mark any new pavement or opening in any public street, alley or sidewalk. (2007 Code)

7-1-7: OPENINGS IN PUBLIC WAYS: It shall be unlawful to construct or maintain any opening or stairway in any public street or sidewalk or alley without a permit from the board of trustees. All such lawfully maintained openings shall be guarded by a suitable strong cover or a railing, subject to the approval of the committee on streets and alleys. (2007 Code)

7-1-8: BUILDING OPERATIONS:

- A. **Use Of Streets:** The use of streets for the storage of materials in the process of construction or alteration of a building may be granted where the same will not unduly interfere with traffic and will not reduce the usable width of the roadway to less than eighteen feet (18'). No portion of the street, other than that directly abutting on the premises on which work is being done, shall be used except with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall file an application for a permit therefor with the village clerk, together with a bond with sureties to be approved by the clerk, to indemnify the village for any loss or damage which may be incurred by the village by reason of such use and occupation.
- B. **Use Of Sidewalks; Sidewalk Removal:** No sidewalks shall be obstructed in the course of building, construction or alteration without a special permit from the village clerk, and whenever the removal of a sidewalk is required in such work, a special permit from the clerk shall be obtained.
- C. **Hours Operations Prohibited:** No construction or altering operations shall be carried on between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., if the same are accompanied by loud noises¹.
- D. **Safety Precautions:** It shall be the duty of the person doing any construction, altering or wrecking work in the village to do the same with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic, and temporary roofs over sidewalks shall be constructed wherever there is danger from falling articles or materials onto pedestrians. (2007 Code)

7-1-9: DEPOSITS ON STREETS AND SIDEWALKS: It shall be unlawful to deposit on any street or sidewalk any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which may do injury to any person, animal or property. (2007 Code)

1. See also subsections 10-14-1A4b, B and C of this code.

7-1-10: UTILITY POLES AND WIRES:

- A. **Permission To Set Poles And Wires Required:** No person shall set or cause to be set any telegraph, telephone, electric light or other poles upon any street or alley within the village, or string or hang any wire along or across any street or alley, unless authorized so to do by the committee on streets and alleys.
- B. **New Development:** In all new additions or subdivisions, all telephone, telegraph and electric light or power lines shall be constructed and maintained in alleys or underground conduits. All guy wires shall be equipped with guards from the ground level to a distance of eight feet (8') above the ground level.
- C. **Location:**
1. **Poles:** All electric light, telegraph and telephone poles now in any street of the village, or which shall hereafter be placed on any alley or street, shall be located and placed within the curb lines on the sidewalk side thereof, which are now or may hereafter be established, and poles shall be placed as near as may be in line with such streets.
2. **Wires:** All wires suspended from the poles shall be at least thirty feet (30') high above the level of the street grade, and said poles shall be neatly smoothed and in a fit condition to be painted. All high tension wires shall, so far as practicable, be kept upon opposite sides of the streets from telephone and telegraph wires.
- D. **Climbing Utility Poles:** No person shall climb upon any telegraph pole, telephone pole, electric light pole or sign pole, unless in the performance of his duties. (2007 Code)

7-1-11: OBSTRUCTING PUBLIC WAYS:

- A. **Prohibited Generally:** It shall be unlawful for any person to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specifically authorized by ordinance or by the committee on streets and alleys¹.

1. See also subsection 4-1-1E of this code.

- B. Obstructing Drains: It shall be unlawful to obstruct any drains in any public street or alley¹.
- C. Nuisance Declared: All obstructions to streets, alleys, crossings and sidewalks of the village and all excavations in or under the same which are by ordinance prohibited or which may be made without lawful permission are hereby declared to be nuisances.
- D. Failure To Safeguard: It shall be unlawful to place or leave any building material or any other obstruction in or upon any street, alley or sidewalk, and it shall be unlawful to fail to provide appropriate warning devices at nighttime to give warning of the danger to persons passing. (2007 Code)

7-1-12: **PROHIBITED ACTS AND CONDITIONS:**

- A. Injury To Pavements:
 - 1. It shall be unlawful to injure any sidewalk, street or alley pavements.
 - 2. It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or sidewalk pavement while the same is guarded by a warning sign or barricade or to knowingly injure any soft, newly laid pavement.
- B. Encroachments: It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.
- C. Private Use; Graffiti: It shall be unlawful for any person to use any street, sidewalk or other public place as space for the display or sale of goods or merchandise, or to write or mark any signs or advertisements on any such pavements.
- D. Gas Pumps: It shall be unlawful to erect any gasoline pump or tank in any public street, alley or sidewalk.
- E. Fences:
 - 1. Obstructing Public Ways: No person shall make, or cause to be made, any enclosure, fence, bridge, archway or building of any kind

1. See also subsection 4-1-1D of this code.

extending upon, over or across any street, avenue, alley or sidewalk within the village.

2. Barbed Wire, Electric Fences: It shall be unlawful to construct or renew 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 electric current anywhere within the village.

- F. Articles On Windows: It shall be unlawful to place any moveable article upon any window ledge or other place abutting on a public street, alley or other public place at a height above four feet (4') from the ground, in such a manner that the same can be or is in danger of falling onto such street, sidewalk, or other public place.
- G. Scaffolds And Ladders: Any scaffolds or ladders placed in such a position that they overhang or can fall onto any public street, alley or other public way in the village shall be firmly and properly constructed and safeguarded, and it shall be unlawful to place or leave any tools or articles on any such place that the same can fall onto such street, sidewalk or other public way from a greater height than four feet (4').
- H. Throwing, Depositing Dangerous Items: It shall be unlawful to cast, throw, or propel any missile on any street, alley or public place, and it shall be unlawful to throw or deposit any glass, nails, tacks, or other similar articles on any street, sidewalk, or alley in the village.
- I. Playing Games: It shall be unlawful to play any games upon any street, alley or sidewalk, where such games cause unnecessary noise or interfere with traffic or pedestrians. (2007 Code)

7-1-13: **PENALTY:** Any person violating any provision of this chapter shall be punishable as provided in section 1-4-1 of this code. (2007 Code)

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CHAPTER 2

PARKS AND PUBLIC PROPERTY

SECTION:

- 7-2-1: Rules
7-2-2: Penalty

7-2-1: **RULES:**

A. Animals:

1. No person shall, within the park system:

- a. Cause or permit any animal or fowl to run at large.
- b. Torture, treat cruelly, or neglect any animal.
- c. Trap, catch, wound, kill or treat cruelly, or attempt to trap, catch, wound or kill any bird or animal, or molest or rob any nest of any bird, or feed, interfere with, molest or disturb any fish, waterfowl, bird or animal.

2. No person having the right and ability to prevent shall knowingly, carelessly, or negligently permit any dog, or other animal to commit any nuisance upon any sidewalk, street, or any public way in the park district; or upon any public parks, public grounds, and the buildings thereon; nor shall any such person omit to do any reasonable and proper act, or take any reasonable and proper precaution, to prevent any such dog or other animal from committing such a nuisance in or upon any of such places or premises herein specified.

3. The provisions of this subsection shall not be construed to relate to dogs or other animals in the park system while in the custody of a police officer and being used for police purposes.

- B. Balloons, Parachutes, Aircraft: No person shall make any ascent or descent from a balloon, parachute, or other aircraft in the park system for exhibition or commercial purposes without obtaining a permit so to do from the board of trustees. Any ascent from, descent upon, or flight over the lands and waters of the park system shall be subject to the rules and regulations of federal, state or local agencies having jurisdiction thereof.
- C. Athletic Games And Sports: No person shall engage in any athletic game or sport in the park system, except such portions thereof as may be designated for that purpose by the village board of trustees, and then only under such rules and regulations as may be prescribed by them.
- D. Fireworks: No person shall fire, discharge or set off any rocket, cracker, torpedo, squib, or other fireworks, or any substance of any explosive nature in the park system, unless the board of trustees, by order, authorizes the issuance of a permit therefor.
- E. Fires: All fires shall be contained within designated areas and shall be extinguished before leaving the area.
- F. Closing Hours: No person, be they minor or adult, shall remain in any of the parks or other property under the control of the village board between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M.; except, that from Friday to Sunday, the prohibitive hours shall be between one minute past twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M.; except, that persons may pass through such parks, without stopping, on the most direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination, unless with written prior approval from the village board.
- G. Skating:
 - 1. No person shall skate in any part of the park system in a reckless manner or at a speed greater than is reasonable and proper, having regard for the number of people in such part of the park system and the use thereof, or so as to endanger life or limb, or damage to the property of any person.
 - 2. No person or group of persons shall engage in the sport of ice hockey, except in such areas and during such hours as the board of trustees shall designate for such activity. (Ord. 1978-9, 8-7-1978)

3. Provided, however, that nothing herein contained shall apply to fast or fancy skating on such portions of any ice pond as may be set aside for that purpose by the village board of trustees. (Ord. 1978-9, 8-7-1978; amd. 2007 Code)

- H. Resisting, Interfering With Village Officials: No person shall resist any police officer or village official in the discharge of his duty or fail or refuse to obey any lawful command of any such officer, or in any way interfere with or hinder or prevent any officer from discharging his duty, or in any manner assist or give aid to any person in the custody of a police officer in attempting to escape from such custody, or rescue or attempt to rescue any person when in such custody.
- I. Motor Vehicles: No person or persons shall operate a motor driven vehicle in parks or on village or public property, except those designated as streets or thoroughfares. (Ord. 1978-9, 8-7-1978)

7-2-2: **PENALTY:** Any person violating any provision of this chapter shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. (Ord. 1978-9, 8-7-1978)

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