

CHAPTER 4 STREETS AND SIDEWALKS

- 4.01 SUPERVISION.** All public streets, alleys, sidewalks and other public ways shall be under the supervision of the Superintendent of Public Works. He shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all ordinances provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinances.
- 4.02 NAMES OF STREETS.** All streets of the village shall be known and designated by the names applied hereto, respectively, on the map of the village kept on file in the office of the Village Clerk and the street names designated on said map shall continue to be the names of streets unless and until changed by ordinance of the Board of Trustees.
- 4.03 NUMBERING BUILDINGS.** Buildings located along the streets of the village shall be numbered in accordance with a chart kept by the Village Clerk showing the proper street number of each lot. The owner of such building shall place such number on his building so as to be visible from the street.
- 4.04 DAMAGE TO STREETS.** No person shall damage or deface any street, alley, 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, except as may be authorized by the village.
- 4.05 ENCROACHMENTS ON STREET.**
- (a) No person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk or public way except by permit from the Board of Trustees. Application for such permit shall describe the nature of the encroachment in such detail as the board shall require. The board in its discretion may issue or deny the permit, and may impose any conditions to such permit it deems appropriate.
 - (b) Awnings made of a pliable substance attached to a building and extending not less than 8 feet above the surface of the sidewalk may be erected and maintained without a permit.
 - (c) Any encroachment on any street, alley, sidewalk or public way shall be maintained so that it does not endanger or obstruct the public.
 - (d) Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the village.
- 4.06 OBSTRUCTING STREETS.**
- (a) No person shall obstruct or endanger the free passage or proper use of the public of any street, sidewalk, alley or public place, except as may be permitted by this chapter.
 - (b) Goods, wares and merchandise may be placed on sidewalks for such reasonable time as may be necessary while loading and unloading, provided pedestrian traffic is not obstructed.

4.07 BUILDERS OCCUPYING STREET.

- (a) Permission. Building permits shall be held to imply a license to occupy such portion of the public street and sidewalk abutting upon and adjacent to such buildings for private use in connection with the actual building operations under such permit as its required, subject to the supervision and direction of the Superintendent of Public Works or Village Board.
- (b) Materials on Streets. No materials except those required for immediate use in connection with a building or structure, or the alteration or repair thereof under such permit, shall be placed upon the street or sidewalk abutting upon or adjacent to such building. As soon as such building or structure is under roof, all materials shall be placed within the lot line, and the street and sidewalk cleaned and placed in the same condition as before the beginning of building operations under such permit.
- (c) Area Used; Temporary Walks. No more than one-half the space between the center line of the street and the lot line of the premises upon which such building alterations or repairs are being conducted under such permit, and no more than one-third the width of any public sidewalk, shall be occupied under such permit; provided the full width of the sidewalk may be occupied by the consent of the Village Board, and the providing of a temporary walk leading around the obstructed portion of the sidewalk connecting with the permanent walk at either end thereof. Such temporary walk shall be constructed to the satisfaction of the Village Board, and it shall be their duty to cause the same to be made safe and secure for public travel upon the same.
- (d) Access to Hydrants, Drains. No building material, temporary walk or obstruction shall be placed so as to render inaccessible access to, or obstruct any fire hydrant, manhole, catch basin, or vault, or render impassable to vehicles any street, alley or public way.
- (e) Cleaning Walks. The holder of such permit shall at all times, during the work thereunder, maintain the portion of the permanent sidewalk reserved or the temporary walk above provided for, in a safe condition and clear of all material, rubbish, dirt or snow.
- (f) Barriers. He shall erect and maintain a sufficient and suitable fence, railing or barricade to guard all excavations, embankments or obstructions along the street, obstructed during the time he shall occupy the same under such permit.
- (g) Lights. He shall place and maintain proper and sufficient amber lights or tallow pots on each end of every such obstruction or excavation and at intervals of 50 feet along the same at night. No person shall remove, extinguish or disturb the lights or pots.
- (h) Obstructing Gutters. He shall at no time obstruct the gutter or waterway of any street, so as to prevent free passage of water along the street, and if any gutter be shaded or covered so that ice accumulates therein, he shall clear the gutter of such ice so as to allow the water to pass freely at all time.

4.08 MATERIALS IN STREETS.

- (a) Any person not holding a building permit shall not store any materials on any street, sidewalk or public place without a permit therefor from the village.
- (b) The fee for such permit shall be \$50.00.

- (c) The permittee shall conform to the provisions of Section 4.07 relating to builders occupying streets to the extent they are applicable, and to such other conditions as the village may impose when granting the permit.
- (d) No such permit shall be granted unless it is in the best interests of the village and no reasonable alternative exists.

4.09 EXCAVATIONS AND WORK IN STREETS.

- (a) Permit. No person shall change the grade or level, or injure or tear up any pavement of any street, sidewalk, crosswalk or curb, or any part thereof, dig any hole, trench, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street or public ground in the village without first obtaining a permit from the office of the Village Clerk, as hereinafter provided. Before such permit shall be issued, it shall first be approved by the Board of Trustees and, in the event that the permit is obtained for the purpose of making a connection to a sewer or water facility of the village located in any public street, the Superintendent of Public Works may, if practical, require the applicant to tunnel or auger instead of removing or injuring the pavement.
- (b) Fee and Bond. The fee for the permit to excavate or work in the streets shall be \$100.00. The applicant shall also conform with the bonding provisions of Section 24.06 of this Code. (Ordinance 2002-1)
- (c) Protection of Village. Any applicant using or excavating any portion of any street pursuant to the issuance of a permit shall save and keep the village free, clear and harmless from any loss or liability on account of any accident or damages resulting from such excavation or work, and shall enter into a hold harmless agreement with the village to this effect at the time the permit is issued. The applicant shall fully remove all material, dirt and rubbish from the space so occupied, and restore such street to its original condition immediately upon the expiration of the period named in the permit. All utility companies shall be notified before any excavation is begun on any village property.
- (d) Repairing and Replacing Excavations. The person excavating in any street or public place, shall, if required by the Superintendent of Public Works to do so, immediately upon completion of the work, and as fast as practicable during the accomplishment thereof, return the earth, ram and pack down the same as fast as practicable to a firm and solid bearing state and in a manner, if possible, that will entirely prevent any settling of such earth. Such work shall be done to the satisfaction of the superintendent and under his direction. The superintendent may adopt proper rules and regulations for such relaying and replacing of such pavements and material. The superintendent may relay all pavement caused by any street opening other than those openings specifically required to be relayed by others or by the Board of Trustees from time to time.
- (e) Protected Excavations and Obstruction; Lights at Night. It shall be the duty of any person engaged in digging into or working upon a street or public place, or who places building materials on any street or public place, where such work if left exposed would be dangerous to pedestrians, to erect a fence, barricade or railing at such excavation or work in such manner as to prevent danger to pedestrians. It shall be the duty of such person to place suitable and sufficient lights upon such railing or fence at sunset in the evening, and keep them burning through the night.
- (f) Liability for Damages. Any person performing any of the work mentioned in this section shall be liable for any damage which may be occasioned to persons or property by reason of his failure to exercise reasonable care in connection with the work.

- (g) Notice to Village. Whenever any public street is obstructed or rendered impassable for vehicles by an excavation therein, or by the occupation thereof by building materials, or by any house in the process of moving, the person so obstructing such street shall immediately notify the Village Clerk of the location of such excavation or other obstruction, and of any change therein from day to day, during the progress of the work causing such obstruction.

4.10 LAYING OF PIPE IN STREETS.

- (a) Permit. No sewer, water pipe, conduit pipe, gas pipe, wire or cable for conveying electric current nor any street or alley pavement, sidewalk, or other like improvement shall be placed, laid or maintained in, under, or upon any street, alley, sidewalk, easement of passage or public place, except improvements constructed under special assessment proceedings, unless a permit authorizing the same has been issued by the village.
- (b) Location of Gas Pipes. Any gas pipes when placed in any public street or alley shall be laid so that there will be no interference with sewers or water pipes, and before any pipes are laid, permission must be secured from the village and same must be placed in a portion of the street or alley as may be directed by the village.
- (c) Map to be Filed. Every gas company that lays down gas pipes in any public street or alley shall make and file with the Village Clerk an accurate map showing the exact location of every line of pipe laid by it, which map shall be accessible for public inspection and shall be kept constantly revised to show any changes or additions.

4.11 MOVING STRUCTURES ON STREETS. No person shall move any building or structure on any street without a permit from the Village Board of Trustees. The village may issue the permit under such conditions as it may reasonably prescribe to protect the streets and village and private property and to minimize public inconvenience. The Village Board may require the permittee to execute a bond or insurance contract on behalf of the village in such amount as he deems appropriate conditioned that the permittee will comply with the conditions of the permit and indemnify the village against any damage caused to village or private property or any person by removal of the building or structure.

4.12 DEBRIS IN STREETS.

- (a) No person shall litter or deposit any foreign matter on any street, alley, sidewalk, park or public place, except building materials and merchandise as permitted under this chapter, or as may be permitted by the Board of Trustees.
- (b) Any person violating this section shall be liable for the cost of removal of the foreign matter in addition to the penalty provided for violation of this code.

4.13 PROTECTION OF WORK IN STREETS. Any person laying, or making an excavation in, or doing any work on any street, sidewalk or other public place shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work. Barricades shall be protected by suitable lights at night. Any defect in any pavement shall be barricaded to such place shall guard such opening or excavation while the same remains open, by proper barricades or lights lawfully placed to protect or make new pavement or excavation or opening in any street, alley or sidewalk.

- 4.14 BARBED WIRE FENCES.** No person shall maintain or construct any fence composed in whole or part of barbed wire, or with any similar materials designed to injure any person, or any wire charged with electrical current, except to protect industrial property, in which case the barbed wire must be at least six feet above the sidewalk and extend inward from the property line.
- 4.15 SNOW ON SIDEWALKS.** The person occupying the ground floor of any building, the user of any lot without a structure thereon, and the owner of any vacant building or other premises shall remove the snow and ice accumulating on the abutting sidewalks within 24 hours after any snowfall has ceased. If snow or ice cannot be removed the surface shall be sanded or otherwise treated to lessen the hazard for pedestrians until the climate permits removal.
- 4.16 BURNING LEAVES AND RUBBISH.** No person shall burn any leaves, paper, rubbish or other substances upon any surfaced street.
- 4.17 DRIVEWAYS.**
- (a) Permit. No person shall construct a driveway across any sidewalk without first having obtained a permit thereof from the Board of Trustees.
 - (b) Fee. The fee for a driveway construction permit is \$25.00. (Ordinance 2002-1)
 - (c) Specifications. Driveways across sidewalks shall be constructed in compliance with specifications which have been adopted by the Board of Trustees and which are on file in the office of the Clerk.
 - (d) Repair. The person maintaining a driveway shall keep it in good repair at the place where it crosses the sidewalk and free from any obstruction or other openings.
- 4.18 TREES.**
- (a) Planting Permit. No person shall plant any tree or shrub in any street, parkway or other public place without having first secured permission therefor from the Board of Trustees.
 - (b) Removal Permission. No person shall remove or cut down any trees or shrub in any street, parkway or other public place without having first secured permission therefor from the Board of Trustees.
 - (c) Injury. No person shall injure any tree or shrub planted in any street, parkway or public place.
 - (d) Advertisements or Notices. No person shall attach any sign, advertisement or notice to any tree or shrub in any street, parkway or public place.
 - (e) Dangerous Trees. Any tree or shrub which overhangs any sidewalk, street or other public place in the village in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises on which such trees or shrub grows so that the obstruction shall cease. Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which the tree grows or stands.

- (f) Wires. No person shall attach any wire or rope to any tree **on, over or under any street, alley, sidewalk or public way** without the permission of the Board of Trustees. Any person granted the right to maintain poles and wires in the streets, alleys or other public places in the village shall in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Superintendent of Public Works to insure that injury shall not be done to the poles, wires, shrubs and trees by contact with wires. (Ordinance 2016-02)

4.19 SIDEWALKS.

- (a) Construction. It shall be unlawful to construct or lay any pavement on any sidewalk, or to repair the same without having first secured a permit therefor. Applications for such permits shall be made to the Village Clerk, and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permit shall be issued except on order of the Board of Trustees.
- (b) Bond. Each applicant shall file a bond, in the amount of (\$10,000.00) with sureties to be approved by the Board of Trustees, conditioned to indemnify the village from any loss or damage resulting from the work undertaken or the manner of doing the same.
- (c) Specifications. All sidewalk pavement shall be made in conformity with the specifications laid down from time to time by the Board of Trustees.
- (d) Expense. Any and all repair of sidewalks is to be the shared expense of the property owner and the village, and upon completion becomes the property of the village where such construction is on village property.
- (e) Repairs. All public sidewalk pavement shall be in good repair. Such repair work, whether done by the village or the abutting owner, shall be under the supervision of the Superintendent of Public Works.
- (f) Defects. It shall be the duty of every village officer or employee becoming cognizant of any defect in any sidewalk, or any obstruction thereof, to report the same to the Superintendent of Public Works.
- (g) Obstructions. It shall be unlawful for any person to cause, create or maintain any obstruction of any sidewalk except as may be specifically authorized by ordinance or by the Superintendent of Public Works.
- (h) Barricades. Any person laying or repairing any pavement on a sidewalk or making an excavation in the same shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work; such barricades shall be protected by suitable lights at night time.

Any defect in such pavement shall be barricaded to prevent injury; and any person 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.
- (i) Disturbing barricades. It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement or excavation or opening in any sidewalk.

4.20 SIGNS AND AWNINGS.

- (a) Permits. No person shall erect or maintain any sign, signboard or rigid canopy over any street, sidewalk, alley or other public way in the village without having first obtained a permit therefor. Permits for signs, canopies or signboards shall be issued by the Village Clerk, subject to approval of the Building Inspector upon payment of the fee provided, and shall designate the location of the proposed structure.

The annual fee for a sign or awning permit shall be \$25.00. (Ordinance 2002-1)

- (b) Bonds. Each person maintaining such a sign shall file with the Village Clerk a bond or indemnity policy in the sum of \$5,000.00, conditioned to indemnify the village for any loss or damage or liability that may result from the construction or maintenance of such sign or canopy. Such bond or indemnity policy shall have such sureties as may be approved by the Board of Trustees, or show proof of a public liability policy.

4.21 FEE FOR VACATING ALLEYS AND STREETS.

Any person desiring to obtain title to a portion of a Village street or alley may petition the Village at any time for an ordinance vacating such street or alley. The Village Board shall consider such requests, and if the Village Board is desirous of granting such request, shall adopt an ordinance in compliance with the requirements of the Illinois Municipal Code. In accordance with the authority contained in Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1), no ordinance vacating any street or alley within the Village of Carlock shall be effective unless and until the Village of Carlock receives payment in full of the consideration due and owing the Village of Carlock pursuant to the Village Code. The Village of Carlock hereby determines that the compensation which shall be due and owing the Village of Carlock, which in the judgement of the corporate authorities is reflective of the fair market value of the property acquired or the benefits which accrue by reason of the vacation, shall be \$500.00 per block or portion thereof of alley which is vacated, and \$750.00 per block, or portion thereof, of street right of way vacated. Title upon vacation shall vest as provided in section 11-91-2 of the Illinois Municipal Code (65 ILCS 5/11-91-2) in the owners of the land abutting on the street or alley vacated in the same proportions and to the same extent as though the street or alley had been dedicated by a common law plat and as though the fee of the street or alley had been acquired by the owners as a part of the land abutting on the street or alley, regardless of who pays the compensation to the Village of Carlock required by this ordinance. (ordinance 2018-09)