

CHAPTER 17

VILLAGE STREETS AND SIDEWALK CODES

ARTICLE I: GENERAL.

Sec. 17-0. GENERAL - APPLICABILITY.

The provisions of this Chapter shall apply to all persons residing in or visiting the Village of Orangeville, present and future, who have any stated, implied or incurred jurisdiction, liability or responsibility regarding the implementation, enforcement, and compliance with any and all of the articles of this Chapter.

Sec. 17-1. GENERAL - PURPOSE.

A. The purpose of this Chapter is to establish reasonable, comprehensive, and functional sidewalk and street Codes for the Village regarding any obstructions and encroachments, excavations, and construction in regard to protecting the Village's sidewalks and streets.

B. It is intended that these Codes shall help protect and preserve the character of the Village with a consideration toward conserving the community's public health, safety, and welfare, while providing the best possible wholesome community environment.

Sec. 17-2. GENERAL - TERMS and DEFINITIONS.

For the purposes of this Chapter, the following definitions shall apply to the terminologies indicated whenever they are used in this Chapter, unless the context clearly indicates or requires a different meaning:

COMMERCIAL SIDEWALK. The term "Commercial Sidewalk," when used herein, shall mean any sidewalk serving a private business entity which is used by the general public for access to the aforesaid entity.

STREET. The term "Street," when used herein, shall mean any public street, avenue, parkway, boulevard, drive, lane, road, bridge, viaduct, highway, parkway, circle, cul-de-sac, court, place, alley, or any other public way designated for vehicles by the Village.

VEHICLE. The term "Vehicle," when used herein, shall mean any device in, on, driven on, ridden on, or drawn on any street.

Sec. 17-3. GENERAL - SUPERVISION.

All public streets, alleys, sidewalks and other public ways in the Village shall be under the supervision of the Maintenance Supervisor. The Maintenance Supervisor shall be charged

with the enforcement of all statute provisions relating to such public places, except traffic statutes, and is hereby authorized to enforce such Village statutes.

Sec. 17-3. GENERAL - DAMAGING SIDEWALKS AND CURBSTONES.

No person shall, within the Village, cut, mar, deface, or in any way break or disfigure any sidewalk or curbstone or part thereof, except as authorized by the Maintenance Supervisor as provided in this Chapter.

Sec. 17-4. GENERAL - SNOW AND ICE REMOVAL.

It shall be the duty of the owner or of the occupant of each and every parcel of real estate in the Village abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time which will ordinarily not exceed twelve (12) hours after the abatement of any storm during which the snow and ice may have accumulated.

Sec. 17-5. GENERAL - THROWING OR PLACING GARBAGE ON STREETS AND SIDEWALKS.

No person shall throw, place, leave, cause, or permit to be thrown, placed, or left any filth, rubbish, or garbage in or on any street, alley, sidewalk, or other public ground in front of or adjoining any building or premises owned or occupied by the person or subject to his control, except in approved containers or receptacles.

Sec. 17-6. GENERAL - PERMITTING WATER FROM ROOFS TO FALL ON SIDEWALKS.

No person shall suffer or permit the water falling or draining from the roof of any building owned, occupied, or controlled by him, to spread over the sidewalk in front of same.

Sec. 17-7. GENERAL - PROHIBITIONS.

The following prohibitions shall apply to all streets, alleys, sidewalks within the Village of Orangeville. It shall be unlawful to: **(1)** obstruct any drain in any public way; **(2)** erect any poles or wires, or to maintain any poles in or wires over any public way without the permission of the Village Board; **(3)** maintain or erect any gasoline pump or tank in or on any public way; **(4)** play any games upon any public way where such games cause unnecessary noise, or interfere with traffic or pedestrians; and **(5)** maintain or construct any fence composed in whole or in part of barbed wire, or with any similar materials designed to cause injury to person, or any wire charged with electrical current, anywhere within fifty feet (50') of any public way, unless such barbed or charged wire is at least six feet (6') above the level of such public ways.

Sec. 17-8. GENERAL - SEVERABILITY.

The articles, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any phrase, clause, sentence, paragraph or section of this Chapter shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Chapter.

Sec. 17-9 thru Sec. 17-14. RESERVED

ARTICLE II: OBSTRUCTIONS AND ENCROACHMENTS (O&E).

Sec. 17-15. O&E - UNAUTHORIZED.

A. No person shall place, throw, or leave, or cause to be placed, thrown, or left any obstruction or encumbrance in or on any street, alley, sidewalk, or other public ground, except as authorized by this Chapter or other Code.

B. Any person who shall place or leave, or cause to be placed or left, any encroachment, obstruction, or encumbrance in or on any street, alley, sidewalk, or other public ground shall in all cases be liable to the Village and to private persons for all injury or damages arising therefrom.

Sec. 17-16. O&E - RECEIVING OR DELIVERING MERCHANDISE ON SIDEWALKS.

No person, while receiving or delivering goods, wares, or merchandise, shall permit the same to remain on any sidewalk longer than is necessary to convey such goods, wares, or merchandise to or from the premises abutting on such sidewalk or to or from which such goods, wares, or merchandise are being delivered or received, and for this purpose he shall not occupy over four-feet (4') of the outer edge of the sidewalk in front of his or her store or building.

Sec. 17-17. O&E - STORAGE OF PERSONAL PROPERTY.

No street, alley, sidewalk, or other public ground shall be used for the storage of personal property, goods, wares, or merchandise of any kind or description whatever. No persons shall place or cause to be placed in or on any street, alley, or sidewalk any barrel, box crate, package, or other obstruction of any kind or description whatsoever, and suffer the same to remain thereon longer than is prescribed in this Chapter.

Sec. 17-18. O&E - ENCROACHMENT.

It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

Sec. 17-19 thru Sec. 17-29. RESERVED.

ARTICLE III: EXCAVATIONS

Sec. 17-30. EXCAVATIONS - PERMIT REQUIRED.

No person shall injure or tear up any street, alley, sidewalk, or public ground, or any part thereof, dig any hole, ditch, or drain in, or dig or remove any sod, stone, earth, sand, or gravel from, or dig, place, or construct any tunnel or drive, or bore for any pipe conduit, wire main, or shaft in or under any street, alley, sidewalk, or public ground in the Village without having first obtained written permission from the Village Board given in accordance with the provisions of this Subchapter or other ordinances of the Village.

Sec. 17-31. EXCAVATIONS - PERMIT FEE.

A fee of five-dollars (\$5.00) shall be charged and collected by the Village for each permit issued for an opening in any street, sidewalk, alley, or public ground. See Chapter 4 this Book of Codes.

Sec. 17-32. EXCAVATIONS - PAYMENT OF ESTIMATED COST OF RESTORATION BEFORE ISSUANCE OF PERMIT; DIVISION OF RESPONSIBILITY.

Before a permit shall be granted to any person to open any street, public ground, roadway, sidewalk, or alley, for any purpose, that person shall pay to the Clerk the estimated cost of restoring the same to as good a condition as before it shall have been so opened, with a fair additional sum as margin for unforeseen costs and damages, as determined by the Village Board. The permit applicant will remove the pavement in accordance with the specifications of the Maintenance Superintendent, including providing barricades and on paved streets sawing the pavement and providing, a six-inch (6") lip of undisturbed soil on the sides of the trench. The estimated cost determined by the Village Board shall include the cost to the Village of inspecting any work done under such permit, removing excavated materials after the person obtaining the permit has made the excavation, backfilling all excavated areas, and restoring the same to its original condition. When the excavation has been made and the utility involved has been connected and inspected, the person making the excavation shall notify the Maintenance Superintendent. The person shall then, within a reasonable time thereafter, place around the opening, any barricade and warning devices necessary for the protection of the public.

Sec. 17-33. EXCAVATIONS - BOND OR INSURANCE POLICY REQUIRED.

A. No permit shall be issued to any person permitting or allowing the obstruction, tearing up, removing, or repairing of any sidewalk, street, alley, any other public place, or any part thereof, until the person making application for such permit shall first have executed to the Village a good and sufficient bond in an amount not less than one-hundred-dollars (\$100.00) nor more than fifty-thousand-dollars (\$50,000.00), with sureties to be approved by the Village Board, conditioned on that person agreeing to indemnify, save, and keep harmless the Village from any and all loss, cost, damage, expense, or liability of any kind whatsoever which the Village may suffer or which may be recovered against the Village from or on account of the issuance of the permit to obstruct, tear up, remove, or repair any sidewalk, street, alley, any other public ground, or part thereof and from or on account of any act or thing done by the permittee or permitted by the permittee and from or on account of any negligence or omission of the permittee in the obstruction, tearing up, removal, or repairing of any sidewalk, street, alley, any other public ground, or part thereof.

B. In the event any proposed work may appear to subject the Village to the possibility of any greater liability than fifty-thousand-dollars (\$50,000) the Village Board may require the amount of the bond to be increased to an amount sufficient to protect the Village against any such loss, cost, damage, or expense.

C. If any licensed plumber shall have given a licensed plumber's bond to the Village, such bond shall be taken as a satisfaction of the requirements of this section, except in cases where the Village Board shall for cause consider the amount thereof insufficient as provided in (B) above.

Sec. 17-34. EXCAVATIONS - SUPERVISION AND INSPECTION OF WORK.

All work done under the authority of a permit under the provisions of this Chapter shall be supervised and inspected by the Maintenance Superintendent. Such supervision and inspection shall be done at the sole expense of the person securing the permit.

Sec. 17-35. EXCAVATIONS - RETURN OF SURPLUS PAYMENT ON COMPLETION OF WORK.

After completion of the work under the provisions of this Subchapter, the Clerk shall certify to the Village Board the amount of any surplus remaining from the amount paid under this Chapter after payment for the work done by the Village, or the amount of any surplus remaining from the amount paid under this Chapter, or if any damage shall have been done to any underground work or connections, or otherwise, not contemplated in the original estimate, which shall have caused increased expenditure, the amount of such deficiency or damage shall be certified to the Clerk, who shall collect the same from the person to whom the permit was issued.

Sec. 17-36. EXCAVATIONS - LIGHTS AND BARRICADES.

A. Any person who shall, under the provisions of this Chapter or other ordinances of the Village, be allowed to make any excavation on any street, alley, avenue or sidewalk shall be required to place and maintain such barricades, warning signs, and lights as may be required by the Village.

B. Any defect in any 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.

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

Sec. 17-37. EXCAVATIONS - OPENINGS IN SIDEWALKS.

There shall be no permanent opening in any sidewalk, extending beyond the property line, except such openings as are herein expressly authorized. There may be an opening, providing it is covered with metal sidewalk trap doors. The outer edge of such doors shall be within two-feet (2') of the outside edge of the sidewalk curb, the inner edge of which shall not be more than seven-feet (7') from the outer edge of the sidewalk curb. Every door shall be provided with metal guards for the protection of the public when open and shall be flush with the sidewalks when closed, including hinges. There may be openings through sidewalks for the admittance of fuel. All openings in sidewalks shall have metal or cement covers flush with the walk, and their upper surfaces shall be roughened. All parts of sidewalks, including illuminating tile or other structural parts, shall be capable of sustaining a load at all points simultaneously equal to four-hundred-pounds (400lbs) for each superficial foot of the surface thereof. There shall be no permanent openings in the form of gratings of any description in any sidewalk.

Sec. 17-38. EXCAVATIONS - RESTRICTIONS AS TO OPEN CELLAR WAYS.

No open cellar or basement way shall be permitted in any sidewalk or alley, nor shall the door or grating of any such closed cellar or basement way extend above the grade of the sidewalk, nor exceeding one-inch (1") above the grade of the alley, nor shall the hinges, locks, or other fastenings thereof, be placed on the upper side of the same so as to project above the door. All cellar windows in any sidewalk or alley shall be set or placed even with the grade of such sidewalk or alley and be well secured with iron or other suitable gratings.

Sec. 17-39 thru Sec. 17-49. RESERVED.

ARTICLE IV: CONSTRUCTION OF SIDEWALKS

Sec. 17-50. CONSTRUCTION - GRADE.

A. The Maintenance Superintendent shall establish the grades for all sidewalks, and the same shall conform, as nearly as may be possible, to the grades of their respective streets. Where no permanent grade is established, the Maintenance Superintendent may give a temporary grade.

B. No person may construct or lay, or cause to be constructed or laid, any sidewalk where no grade has been established by the Maintenance Superintendent, or contrary to any grade given by the Maintenance Superintendent.

Sec. 17-51. CONSTRUCTION - SIDEWALKS.

A. Residential sidewalks shall be the responsibility of the lot owner or subdivision developer as applicable to construct the initial sidewalk across his property. The following guidelines shall apply: **(1)** when a sidewalk is in a state of disrepair, the lot owner may replace the sidewalk transversing his property and seek reimbursement from the Village for the cost of replacement. The Village at its sole discretion may reimburse all or part of the cost of sidewalk replacement on a square foot basis as the Village Board shall provide by resolution. Lot owners may apply to the Village for reimbursement of sidewalk replacement costs according to the formula set by the Village Board; and **(2)** the Village Clerk shall maintain a list of lot owners who have applied for reimbursement, such list to include the lot owner's name, address and date of application to the Village for reimbursement and square foot area of sidewalk area replaced. Reimbursements shall be made according to the order in which the applications were received and according to the amount of money allocated to this program in the Village's annual budget. Applications may carry over from year to year, with reimbursements to be paid out in order of application. All sidewalks so repaired will be four-feet (4') wide and a minimum of four-inches (4") deep, six (6) bag mix, and wire mesh. No reimbursement shall be made for sidewalks which are not replaced or constructed in accordance to Village specifications and no reimbursement shall be made without verification of sidewalk replacement as represented on the lot owner's application.

B. Commercial sidewalks shall be the responsibility of the lot owner to construct and maintain any sidewalk across or serving a commercial property; however, the Village Board by resolution may enter sidewalks on a cost sharing basis. Alternatively, the Village at its sole discretion and pursuant to resolution may competitively bid sidewalk replacement work or have its own employees install or replace sidewalk areas serving the general public on a cost sharing basis with the lot owner. The Village shall determine the specifications for all sidewalk replacement which involves the expenditure of public funds whether such funds are expended directly or on a reimbursement basis. All commercial sidewalks shall be at

least four-feet wide (4'), four-inches (4") deep, six (6) bag mix and wire mesh reinforced. No reimbursement shall be made for sidewalks which are not replaced or constructed in accordance to Village specifications.

C. All sidewalks that are deemed to be "public sidewalks" or are the responsibility of the Village, shall also be deemed to be under the legal jurisdiction of the Americans with Disability Act (ADA): **(1)** said Act stipulates that all pedestrian walkways that cross a curb at an intersection shall have a ramp or sloped surface. The Act further states that when the Village constructs a new road and sidewalk, or alters an existing road and its sidewalks, is must also install curb ramps for that section or length of roadway; and **(2)** when planning curb ramp installation, priorities for installation should be created. The recommended priorities begin with Federal, State and local government facilities; followed by private businesses offering goods and services to the public; and concluded with walkways serving residential areas.

Sec. 17-52. CONSTRUCTION - COST OF.

Where any owner of a lot or parcel of land adjoining any public street in the Village fails to construct a sidewalk along such lot or parcel of ground when required to do so by ordinance, the Village may construct such sidewalk and collect the costs of such construction by special taxation, special assessment, or any other method prescribed by law.

Sec. 17-53. CONSTRUCTION - NO PART TO BE TAKEN FOR PRIVATE USE.

No part of any sidewalk shall be taken for private use by lowering, cutting down, or elevating the same next to the building fronting thereon, or by fencing or railing off the same, or otherwise shutting off the public from using the same, except as authorized by the Village Board.

Sec. 17-54 thru 17-64. RESERVED.

ARTICLE V: PRIVATE DRIVEWAYS

Sec. 17-65. PRIVATE DRIVEWAYS - PERMIT, APPLICATION, PLAT OR SKETCH.

A. No person shall construct any private driveway entering on any public street or alley within the Village without having first obtained a permit therefor.

B. Applications for such permits shall be made to the Village Clerk.

C. No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served, shall be issued except upon the order of the Maintenance Superintendent.

Sec. 17-66. PRIVATE DRIVEWAYS - PERMIT TO BE DENIED.

The Village Board shall not issue any permit for any private driveway or for breaking or for removing any street curbing where the proposed opening would create an unnecessary hazard to pedestrians using any sidewalk intersected by such driveway nor shall any permit be issued for a driveway in excess of thirty-five-feet (35') in total width as measured from the appropriate right-of-way lines, or where the proposed driveway would create a traffic hazard, or where the proposed driveway would constitute a violation of the Village zoning ordinance.

Sec. 17-67. PRIVATE DRIVEWAYS - FEE.

No fee will be charged for any driveway permit.

Sec. 17-68. PRIVATE DRIVEWAYS - CAUSING SOIL EROSION OR OVERLOADING SEWERS.

A. Wherever existing driveways shall be so constructed or maintained as to cause soil erosion or to overload adjacent sewers, the Village President, with consent of the Village Board, shall on determination of the fact thereof, order the property owner using such driveway to repair or reconstruct the same so as to prevent soil erosion or overloading of adjacent sewers.

B. The property owner using the driveways shall be given sixty (60) days' notice in writing to make the necessary changes to such driveway.

C. In the event that the property owner shall refuse to repair or reconstruct the driveway within sixty (60) days after notice, as provided in the preceding section, the Maintenance Superintendent shall block off such driveway so as to prevent soil erosion and overloading of adjacent sewers.

Sec. 17-69. PRIVATE DRIVEWAYS - REGULATIONS CONCERNING CURBING.

No person shall have or maintain an entrance or driveway for vehicles from the paved streets or street into his or their premises, crossing the curbing. All such driveways from such streets into private premises shall be made by putting in curbing one each side of such driveway, with rounded corners, as at street intersections. All such driveways shall be constructed in accordance with standards and material prescribed by the Village.

Sec. 17-70. PRIVATE DRIVEWAYS - GRADE SURFACE.

No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as

that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such material as to render it slippery or dangerous, or hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk, or be other than level.

Sec. 17-71. PRIVATE DRIVEWAYS - MATERIALS.

Driveways across sidewalks shall be constructed of concrete or of such other materials as may be approved by the Maintenance Supervisor.

Sec. 17-72. PRIVATE DRIVEWAYS - REPAIR.

It shall be the duty of the person maintaining a driveway to keep the same in good repair where it crosses the sidewalk, and free from obstructions and openings.

Sec. 17-73 thru Sec. 17-82. RESERVED.

ARTICLE VI: MOVING BUILDINGS

Sec. 17-83. MOVING BUILDINGS - PERMIT REQUIRED.

No person shall move any building on, through, or over any street, alley, sidewalk, or other public place in the Village without first obtaining a permit therefor from the Village Board. Applications for such permits shall be made in writing to the Village Board and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of the street, alley, sidewalk, or other public place in the Village. Such application shall be accompanied by a one-hundred-dollars (\$100.00) non-refundable application fee. This fee shall be in addition to any fees required pursuant to Section 17-84.

Sec. 17-84. MOVING BUILDINGS - APPROVAL FEE.

A. Upon approval of the intended route by the Village Board, the applicant shall pay a fee determined by the Clerk as being sufficient to pay the estimated cost of necessary and appropriate services provided by Village departments to insure the safe and orderly moving of a building on, through, or over any street, alley, sidewalk, or other public place, including, but not limited to, the cost of closing a portion of any street, alley, sidewalk, or other public place to traffic; protecting, moving, or relocating utility facilities; and personnel costs. The applicant shall post a bond satisfactory to the Village Board for public liability and damage to Village property. Upon completion of the move, the applicant shall be billed the actual cost of such necessary and appropriate services provided by the Village departments and such invoice shall be paid within thirty (30) days.

B. Interest at the rate of eighteen-percent (18%) per annum shall be added to the amount

of such costs in the event that such costs are not paid within thirty (30) days from the date of billing. Moving of such building pursuant to a permit issued by the Village Board shall constitute the applicant's agreement to the payment of such costs and interest.

Sec. 17-85. MOVING BUILDINGS - BOND.

Every person applying for a permit under this Subchapter shall submit with his application a cash bond with a lawful corporate surety to be approved by the Village Board, conditioned on compliance with all the provisions of this Subchapter, and agreeing to pay and holding the Village harmless from any claim which may be made against it by reason of the occupation of any street, alley, sidewalk, or other public place by the building or structure moved.

Sec. 17-86. MOVING BUILDINGS - REQUIREMENTS.

A. Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the Police Department so as to warn vehicles and persons from entering that portion of the street so blocked. The person moving any building through the street shall keep warning signs and lanterns or lights on the building so as to guard against any person or vehicle from colliding with such building.

B. Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building, the terms of any special or franchise ordinance governing shall apply and the bond therein specified shall be given. If no such terms apply, then the Village Board shall estimate the expense of fixing the wires and the bond to be given to cover such expense.

C. When any moving building shall approach any fire alarm wire or pole which shall be endangered by the removal of such building or structure, it shall be the duty of the mover to notify the Maintenance Supervisor at least six (6) hours before reaching such wire or pole so that they may be removed or cared for by the Village authorities.

D. Whenever any licensed building mover engaged to move any building through or past wires, cables, or other electrical conductors owned and operated by the Village, or through or past wires, cables, or other electrical conductors owned and operated by the Village, or by any other person or corporation, and shall have secured a permit from the Village Board for such removal in accordance with the provisions of this Subchapter, he shall serve notice in writing on the person or corporation owning, using, or operating any such wire, cable, or other electrical conductor through which he desires to pass, specifying the time the building he is removing will reach such wire, cable, or other electrical conductor to be cut or otherwise removed or disposed of so as to allow such person or corporation not less than twenty-four (24) hours before the time at which it is desired to cut such wire, cable, or other electrical conductor or otherwise dispose of same.

Sec. 17-87 thru Sec. 17-98. RESERVED.

ARTICLE VII: PENALTIES

Sec. 17-99. PENALTY - BY ARTICLE AS INDICATED.

A. All penalties addressed by this article are applicable only upon conviction of the referenced violation in the appropriate legal forum. Upon conviction, the Village shall also be entitled to reasonable fees and costs for its part in the adjudication.

B. Whenever in this Chapter or in any Section of this Chapter an act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Chapter, or whenever in such statute the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor or a violation therefor, the violation of any such provision of this Chapter or any statute herein shall be punishable by a fine of not less than ten-dollars (\$10.00), nor more than seven-hundred, fifty-dollars (\$750.00). Each day any violation of any provision of the Chapter or any statute of the Chapter continues, consecutive or not, shall constitute a separate offense. Regardless of the number of total days of violation, any fine shall not exceed three-thousand-dollars (\$3,000.00).