

CHAPTER 6  
**STREETS**

**6.01 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 such map shall continue to be the names of streets unless and until changed by ordinance of the Village Board.

**6.02 NUMBERING BUILDINGS**

- A. All buildings on streets of the Village shall be numbered in accordance with the Village Map prepared by the Village Engineer, which map shall be kept on file in the Office of the Village Clerk.
- B. Property owners shall within thirty (30) days from the passage of this Ordinance ascertain the number assigned or allotted to the frontage of their property on the map plan. After the expiration of thirty (30) days and as soon thereafter as is practical, the Village Board shall assign numbers to all property owners.
- C. It shall be the duty of the owners and occupants of every house or business in the Village to have placed thereon or on the property, in a place visible from the street, in Arabic numerals (script not permitted) at least 2 1/2 inches high of contrasting colors, showing the number of the house.
- D. Any person, firm or corporation failing to so number any house, building or other structure occupied by him, who after receiving notice to do so from the Police Department shall continue in his failure to do so number such house, building or structure, shall be fined not less than \$25.00 and costs nor more than \$500.00 and costs for each day during or on which a failure to so number continues.

**6.03 DAMAGE TO STREETS** No person shall damage or deface any street, alley, sidewalk, public way, park or other Village or 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.

**6.04 ENCROACHMENT 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 of Trustees shall require. The Board in its discretion may issue or deny the permit, and may impose any conditions to such permit as it deems appropriate.
- B. Awnings made of pliable substance attached to a building and extending not less than eight (8) feet above the surface of the sidewalk may be erected and maintained without a permit.

- C. Any encroachment and 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.

**6.05 OBSTRUCTING STREETS**

- A. No person shall obstruct or endanger the free passage or proper use of the public on 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 totally obstructed.

**6.06 MATERIALS IN STREETS** No person shall place any materials on or over any street, sidewalk or public place without a permit therefore from the Board of Trustees.

The permittee shall conform to all conditions the Village may impose upon granting of the permit.

**6.07 ADVERTISING IN STREETS** No person shall paint or post any signs or bills on any streets, poles or other structures in any street or on the surface of any street or sidewalk.

**6.08 DEBRIS IN STREETS**

A. Litter: No person shall litter or deposit any foreign matter, including but not limited to dirt, mud and soil, on any street, sidewalk, park, public place or right of way.

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

C. Penalty: Any person, firm or corporation violating any provision of this Section 6.08 shall be fined not less than \$50 and up to \$500 plus the Village's cost of prosecution, including reasonable attorney fees and be liable for the cost of removing the foreign matter. Each day that a violation continues shall be considered a separate offense.

**6.09 EXCAVATING IN STREETS**

- A. No person shall excavate in or tunnel under any street in the Village without first securing a permit at least twenty-four (24) hours in advance of such work from the Building Inspector.
- B. The applicant for such permit shall deposit, in cash or bond, with the Village Clerk such amount as determined by the Public Works Manager is necessary, as security for the repair of the street. The deposit shall be held by the Clerk until the Chief of Police or Public Works Manager certifies to him that the street has been properly repaired.

- C. The person securing such permit shall restore the surface of the street to its original condition under such directions as the Village may issue within five (5) days after completing the work for which the excavation was made. Upon restoration of the surface to its former condition the Village Clerk shall return the cash deposit or bond to the permit holder less \$25.00 which shall be retained by the Village as a permit fee. If the permit holder does not restore the street to its original condition the Village shall have such work done and retain the cost thereof out of the deposit.
- D. Any public utility or other person may deposit a standing bond with the Village to insure the proper repair of Village streets whenever work is done in the Village, but shall secure a permit as required by this section.

**6.10 PROTECTION OF WORK IN STREETS** Any person constructing or repairing, or making any excavation in or tunnel under, or placing any material on or over any street, sidewalk or other public place shall maintain suitable barricades and other protective devices as shall properly prevent injury to any person or property. Suitable lights shall be maintained during the nighttime to warn the public. No unauthorized person shall interfere with or disturb any such protective devices.

A permit shall be secured from the Village Building Inspector at least twenty-four (24) hours in advance of placing any barricades in the street.

**6.11 MOVING STRUCTURES** No person shall move any building or structure on any street without a permit from the Building Inspector. The Inspector may impose such conditions as he/she deems appropriate to protect the Village and the public, upon granting such permit. The applicant for such permit shall deposit \$500.00 in cash with the Village Clerk as security for the protection of the streets and other Village property.

**6.12 TREES** No person shall plant, trim or remove any tree or shrub in any street, right of way or parkway or other public place without a permit therefore from the Building Inspector. The Building Inspector shall approve the species of the tree to be planted.

No person shall injure any tree or shrub planted in any street, parkway or public place. No person shall attach any sign or wire to any such tree or shrub without permission of the Building Inspector.

No person shall permit any tree or shrub on his property to overhang any street, right of way, sidewalk or other public place so as to interfere with the public use of such ways, or to obstruct the vision of drivers of vehicles at intersections. Any dead limb of a tree overhanging a public way shall be removed by the owner of the tree.

### **6.13 PARKWAYS AND SIDEWALKS**

A. **Parkway Maintenance.** It is the homeowner's responsibility for regular everyday maintenance to the public parkway area, defined as that area adjacent to any lot or parcel, between the property line and any street/road shoulder or curb adjacent to their property including but not limited to the following:

1. Mowing parkway grass or groundcover.
2. Repairing parkways.
3. Repair or replacement of sidewalks when resident was responsible for damage.
4. Driveway aprons and approaches.
5. Keeping ditches and culverts clear of debris.
6. Shoveling snow off sidewalks.
7. Tree and bush trimming to maintain roadway and sidewalk clearances and sight lines.
8. Mailboxes and support structure clearances that are a minimum of two (2) feet from back of sidewalk.

Should the parkway be disturbed as a result of maintenance or repairs to Village utilities the Village will restore the disturbed areas.

B. **Sidewalk Repair/Replacement.** It is the homeowner's responsibility to maintain the public sidewalk adjacent to their properties. The Village repairs or replaces sidewalks on a 50/50 cost sharing basis. The Village Public Work Department will coordinate the work with a contractor or perform the work itself. One or more of the following conditions must exist:

1. Walks must be sunken or risen to a height difference of one inch or more between sections;
2. Sections must be broken or separated into three or more pieces; and/or
3. Surface deterioration must exceed 50%.

A Village inspector will evaluate the sidewalk condition to see if it qualifies. If it does the extent of the work will include milling or removal and replacement of the sidewalk with back fill along the sidewalk edges with grass seed.

Should the sidewalk be damaged as a result of maintenance or repairs to utilities the Village will coordinate the repair of damaged areas at no cost to the homeowner.

C. **New Sidewalk Construction.**

1. All sidewalk construction shall be in accordance with Village Sidewalk Specification Typical Section.
2. Require all developers to construct sidewalks in their projects in line with the Village specifications for its pedestrian/bicycle network or desired extension of same.
3. If a request for sidewalks is submitted by a residential neighborhood, an SSA will be established with a requirement of 70% of the affected resident-owners petition in favor of the installation.

4. The Village will fund any sidewalk construction project 100% it recommends.

**6.14 BURNING LEAVES AND RUBBISH** No person shall burn any leaves, paper, rubbish or other substances upon any street, sidewalk, alley or paved surface.

**6.15 DRIVEWAYS** No person shall construct a driveway entering any street without a permit from the Building Inspector. The fee for such permit shall be as determined by the Board of Trustees and established in Chapter 24.02-I.3, Johnsborg Municipal Code for the permit fee)

**6.16 UTILITIES IN RIGHT OF WAY**

A. Definitions: For purposes of this Section 6.16:

1. “Village initiated improvements” or “Village operations” shall include but not be limited to, anything required by the Village in annexation, final plat requirements or other agreements with third parties including those intended to benefit other property within the Village, Village road construction, expansion or relocation projects, public works projects or other Village operations, maintenance and planning projects.
2. “Public right of way” shall include but not be limited to, any street, alley, parkway, other land or waterway, dedicated or commonly used for utility or cable purposes, including utility or cable easements.
3. “Utility” shall include, in addition to all other commonly and legally accepted definitions of the term, cable providers and facilities, and video service providers.

B. Permits:

1. Permit Required: No person shall erect or maintain any poles or wires on or over any street, alley or other public way or public right of way without a permit from the Public Works Supervisor. A permit shall also be required for the installation, maintenance or replacement of any underground facilities, including, but not limited to wires, pipes, cables, conduits and ducts, within any street, alley or other public way.
2. Effect of Permit: A permit from the Village authorizes the permit holder to undertake only certain activities in accordance with this Section 6.16, and does not create a property right or grant authority to the permit holder to impinge upon the right of others who may have an interest in the public right of way.
3. Fee: The permit fee shall be determined from time to time by the Village Board.

C. Gas Pipes: Any person or company maintaining any gas pipe in the Village shall keep such pipe free from leaks so that no injury shall be done thereby to any person or property.

D. Removal, Relocation or Modifications of Utility Facilities: Within 60 days following written notice from the Village, any person or company shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any utility or cable facilities within the public right of way whenever the corporate authorities have determined that such removal, relocation, change or alteration is reasonably necessary for the construction, repair, maintenance or installation of any Village initiated improvements or Village operations on, over, under or within, such public right of way. To the extent this provision conflicts with the terms of an existing franchise agreement or with state law, the terms of the franchise agreement or state law shall govern. However nothing in this provision shall be interpreted as a fee to any utility or Cable Company for the use of the Village's rights of way.

E. Removal of Unauthorized Facilities: Within 30 days following written notice from the Village, any utility that owns, controls or maintains any unauthorized facility or related appurtenances within the public right of way shall, at its own expense, remove all or any part of such facilities or appurtenances from such public right of way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permit holder's license or franchise, unless otherwise permitted by applicable law;
2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
3. If the facility was constructed or installed without prior issuance of a required permit in violation of this Section 6.16; or
4. If the facility was constructed or installed at a location not permitted by the permit holder's license or franchise.

F. Emergency Removal or Relocation of Facilities: The Village retains the right and privilege to cut or move any facilities located within the Village public right of way as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Village shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

G. Abandonment of Facilities: Upon abandonment of a facility within the Village public right of way, the utility shall notify the Village within 90 days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Public Works Supervisor determines that such removal will be in the best interest of the public health, safety and welfare. In the event the Village does not direct the utility that abandoned the facility to remove

it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the use, alteration or removal of all or any portion of the facility by another utility or person.

H. Cleanup and Restoration: Upon completion of all construction or maintenance of facilities, the utility shall, at its own expense, remove all excess material and restore all turf and terrain in a timely manner and to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Public Works Supervisor. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding or any other requirement to restore the right of way to a condition substantially equivalent to that which existed prior to the commencement of the project.

I. Annual Registration Required: Every utility that occupies a Village public right of way shall register on January 1 of each year with the Public Works Supervisor, providing the utility's name, address and regular business telephone and facsimile numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right of way and a 24-hour telephone number for each such person, and the name, address and regular business telephone and facsimile number of one or more contact persons who shall receive any notices resulting from this Section 6.16. Each utility also shall provide evidence of insurance coverage reasonably consistent with industry standards.

J. Nothing in this Section 6.16 shall exempt any utility working in the right of way from any other provisions of this Chapter 6. To the extent other provisions of this Municipal Code may conflict with the provisions of this Section 6.16, the more restrictive shall prevail.

K. Penalties: Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section 6.16 shall be subject to a fine in accordance with Section 1.06 herein. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Section 6.16. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's cost of damages and its cost of installing, maintaining, modifying, relocation or removing the facility that is the subject of the permit and improvements. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

**6.17 SETTLEMENT OF OFFENSES**. Any offense arising under this Chapter 6, for which a specific penalty is not stated may be settled and compromised by the offender by payment to the Village the sum of money stated for a Class C violation in Chapter 1.07-E.