

AN ORDINANCE FOR RIGHT OF WAY

SECTION NO. 8-1A

WHEREAS, The Village Board intends to pass an Ordinance for Right of Way in the Village of Elizabeth to promote the health and safety of the residence of the Village of Elizabeth.

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ELIZABETH, ILLINOIS:

WHEREAS, The Village Board intends to approve an Ordinance for Right of Way in the Village of Elizabeth.

It is hereby ordained that the Village of Elizabeth approves an Ordinance for Right of Way in the Village of Elizabeth.

RIGHT OF WAY

SECTION:

- 8-1A-1: Supervision and Enforcement
- 8-1A-2: Permit to Construct or Repair
- 8-1A-3: Construction Specifications
- 8-1A-4: Repairs and Defects
- 8-1A-5: Safety Precautions
- 8-1A-6: Openings in Rights of Way
- 8-1A-7: Deposits on Rights of Way
- 8-1A-8: Snow and Ice Removal from Rights of Way
- 8-1A-9: Utility Poles and Wires
- 8-9A-10: Prohibited Acts and Conditions
- 8-9A-11: Penalty

8-1A-1: **SUPERVISION AND ENFORCMENT:** All maintenance and repair of the Village right of way shall be under the supervision of the Public Works Department. The Public Works Department shall be charged with the enforcement of all Ordinance provisions relating to such public places (except Traffic Ordinances) and is hereby authorized to enforce such Ordinances. (2002 Code)

8-1A-2: **PERMIT TO CONTRUCT OR REPAIR:**

- A. Permit Required: It shall be unlawful to construct or lay any structure or improvement of any right of way, or to repair the same, without having first secured a permit therefor.

- B. Application for Permit: Applications for such permits shall be to the Clerk and shall state the location of the structure improvement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permits shall be issued except where the work will conform to the Ordinances of the Village.
- C. Bond: Each applicant shall file a bond in an amount set by the Village Board of Trustees with surety to be approved by the Board of Trustees conditioned to indemnify the Village for any loss or damage resulting from the work undertaken or the manner of doing the same. (2002 Code)

8-1A-3: **CONSTRUCTION SPECIFICATIONS:** All structures or improvements shall be made in conformity with specifications laid down or approved from time to time by the Village Board of Trustees.

8-1A-4: **REPAIRS AND DEFECTS:**

- A. Repairs Required: All right of way shall be in good repair. Such repair work, whether done by the Village or by the abutting owner, shall be under the supervision of the Public Works Committee.
- B. Defects Reported: It shall be the duty of every Village Officer and employee becoming cognizant of any defect in any structure or improvement thereof, to report the same to the Public Works Committee as soon as possible. (2002 Code)

8-1A-5: **SAFETY PRECAUTIONS:**

- A. Safety Precautions Required:
 - 1. Construction and Repair Work: Any person, firm or corporation contracting or repairing any structure or improvement or making an excavation in the same, shall maintain suitable barriers and warning devices to prevent injury of any person or vehicles by reason of the work.
 - 2. Any defect in any such structure or improvement shall be protected with barriers and warning devices to prevent injury; and any person, firm or corporation property maintaining any opening or excavation, while the same remains open, shall guard the same with proper barriers and warning devices.

- B. Disturbing Safety Devices Prohibited: It shall be unlawful to disturb or interfere with any barriers and warning devices lawfully placed to protect or mark any new structure or improvement or opening in a public right of way (2002 Code)

8-1A-6: **OPENINGS IN PUBLIC WAYS**: It shall be unlawful to construct any structure or improvement in public right of way without a permit from the Village Board of Trustees. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing to the approval of the Village Board of Trustees. (2002 Code)

8-1A-7: **DEPOSITS ON RIGHT OF WAY**:

- A. Deposits on Right of Way: It shall be unlawful to deposit on any right of way 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.

B. Deposits on Right of Way:

1. It shall be unlawful to deposit 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 person, animals or property.
2. Merchandise or other articles may be deposited on right of way preparatory to delivery; provided, that the usable width of the right of way is not thereby reduced to less than four feet (4'); and provided, that no such article shall remain on such walk for more than one-half (1/2) hour. (2002 Code)

8-1A-8: **SNOW AND ICE REMOVAL FROM RIGHT OF WAY**:

- A. Every owner or occupant of any house or other building and the owner, proprietor, lessee or person entitled to the possession of any vacant lot, and every person having the charge of any church, jail, public building or public hall in the Village which shall front or adjoin upon any public street shall, during the winter season, and during the time snow shall continue on the ground, by twelve o'clock (12:00) noon of each day clear the sidewalks in front of or adjoining such house or other building and in front of or adjoining such lot from snow and ice and keep such sidewalks conveniently free therefrom during the day; or shall, in case the snow and ice are so congealed that it cannot be removed without damage to the sidewalk surface, cause the snow and ice to be strewed with ashes or sand; and shall also at all times keep

such sidewalks free from dirt, filth or other obstructions or encumbrances so as to allow citizens to use the sidewalks in a safe and commodious manner. (Ord., 11-7-1989)

- B. All right of way(s) located within the Village shall be cleared of snow and ice within forty-eight (48) hours after a snowstorm. After forty-eight (48) hours, the Director of Public Works shall direct the Public Works Department to start clearing right of way. The Public Works Department will only be given permission to start after consideration has been given to local conditions (amount of snowfall, street conditions, weather reports, etc.). Failure to remove the snowfall will result in a fine not to exceed twenty-five dollars (\$25.00). (Ord. 6-6-01-1, 6-12-2001)

8-1A-9: **UTILITY POLES AND WIRES:** It shall be unlawful to erect any poles or wires or maintain any poles or wires over any public place, street, alley or other public way without having first secured permission from the President and Village Board of Trustees. (2002 Code)

8-1A-10: **PROHIBITED ACTS AND CONDITIONS:**

- A. Injuring New Pavements: 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 barriers and warning devices or to knowingly injure any soft or newly laid pavement.
- B. Private Use; Graffiti: It shall be unlawful for any person, firm or corporation 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 sign or advertisement on any such pavement.
- C. Gasoline Pumps: It shall be unlawful to erect or maintain any gasoline pump on any public street or sidewalk in the Village.
- D. Playing Games: It shall be unlawful to play any games upon any street, alley, or sidewalk or other public place, where such games such unnecessary noise or interference with traffic or pedestrians.
- E. Burning Leaves and Rubbish: It shall be unlawful for any person, firm or corporation to burn leaves, paper, rubbish, or other substances upon any of the public streets, sidewalks, or alleys of the Village.

F. Riding Bicycles and Skateboards:

1. **Bicycles:** It shall be unlawful to ride any bicycle upon any sidewalk within the Village. It shall also be unlawful to ride any bicycle on the streets, lanes, alleys, or other public places in the Village after sunset unless such bicycle is equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear so mounted and maintained as to be visible from all distances from beams and head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector. Any person violating any of the provisions of this Subsection shall be fined not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense.
2. **Skateboards:** It shall be unlawful to ride any skateboard upon any sidewalk with the Village. It shall also be unlawful to ride any skateboard on the streets, lanes, alleys, or other public places in the Village after sunset. Any person violating any of the provisions of this Subsection shall be fined not less than twenty-five dollars (\$25.00) nor more than one-hundred dollars (\$100.00) for each offense. (2002 Code)

G. Use of Fire Hydrants: No person, firm, or corporation other than a Village Officer or employee shall open, use, or tamper with any fire hydrant; provided however that upon notice to the Village Board, appropriate personnel of the Elizabeth Community Fire Department may open such hydrants for the purpose of testing them. (1979 Code § 12-5; amd. 2002 Code)

H. Posting Signs on Public Property and Utility Poles¹: It is unlawful for any person to post signs on public property or utility posts located within the Village without the permission of the Village Board of Trustees. Any signs posted in violation of this order shall be immediately removed by the Public Works Department. Any person posting such signs is subject to a fine up to twenty-five dollars (\$25.00). (Ord. 6-6-01-2, 6-6-2001)

8-1A-11: **PENALTY:** Any person, firm or corporation violating any provisions of this Chapter shall be punishable as provided in Section 1-4-1 of this Code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (2002 Code)

¹ See also subsection 5-2-5A5 of this code.