

Chapter 4

STREETS AND SIDEWALKS

Article 1. GENERAL PROVISIONS

Sec. 1. STREETS FOR PUBLIC USE

Streets, avenues, alleys, and sidewalks in the Village of Gridley, shall be kept free and clear of all encumbrances and encroachments, for the public use; and shall not be used or occupied in any other way, except as herein provided in these ordinances.

Sec. 2. MOVING BUILDING IN; PETITION, LICENSE

Whenever any person shall desire to remove any building within the corporate limits of the Village of Gridley, over or upon the streets of said Village, he shall present to the Village trustees a petition, stating the location of such building, the value of the same the place to which it is intended to be removed; and if said removal is approved by said trustees, said trustees may issue a permit for the removal of any such building, which permit shall direct the route to be taken and the time for the removal thereof.

Sec. 3. ENTRY TO PAVEMENTS

It shall be unlawful to walk upon or drive any vehicle or animal upon or enter any newly laid street or alley pavement while the same is guarded by a warning sign or barricade; or to knowingly injure any street, sidewalk or alley pavement.

Sec. 4. REPAIRS

All public streets, alleys, and sidewalks shall be in good repair. And any such repair, whether done by the Village Street Commissioner or the abutting owner, shall be done under the supervision of the Board of Trustees.

Sec. 5. OBSTRUCTION

It shall be unlawful for any person, firm, or corporation, to cause, create, or maintain any obstruction in any street, alley, sidewalk or other public place, except as may be specifically authorized by ordinance or by the Street Commissioner.

Sec. 6. BARRICADES

- a. Any person, firm, or corporation laying or repairing any pavement on a street, sidewalk or other public place or making an excavation in the same shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work; such barricade shall be protected by suitable lights during the hours from dusk until dawn.
- b. Any defect in such pavement shall be barricaded to prevent injury; and any person, firm, or corporation 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.

Sec. 7. DISTURBING BARRICADES

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

Sec. 8. PRIVATE USE

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 mark any signs or advertisements on such pavement, except for community sale days.

Sec. 9. ENCROACHMENTS

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

Sec. 10. DRAINS

It shall be unlawful to obstruct any drain in any public street or alley.

Sec. 11. 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 the Board of Trustees.

Sec. 12. EXCAVATIONS

- a. 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, therefore. Applications for such permits shall be made to the Village Clerk and shall specify the intended location and purpose of the excavation, including an estimate of the cost to repair and replace the surface of the excavated area to its previous condition.
- b. No person shall make any such excavation or tunnel without first having furnished the Village with a bond in the same amount as said estimated cost of repairing and replacing said excavation and a policy or certificate of insurance showing the Village as an additional insured with liability compensation of at least \$1,000,000 Commercial General Liability; said bond shall be conditioned upon the guarantee of the repair and replacement of said excavation and said policy of insurance shall indemnify the Village against public liability and loss resulting from work done or any acts or omissions in connection with said excavation.
- c. Any such person making any such excavation shall refill the same properly and shall restore the surface to its condition before excavation was made, as soon as possible.
- d. All such excavations, refills and resurfacing shall be made subject to the supervision and under the direction of the Street Commissioner.

Sec. 13. OPENINGS

- a. It shall be unlawful to construct or maintain any opening or stairway in any public street or alley or sidewalk or other public place without a permit from the Village Board.
- b. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing to be approved by the Village Board.

Sec. 14. BARBED WIRE FENCES - ELECTRIC CURRENT

It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to the person, or charged with electrical current, anywhere within the Village, except to protect industrial property in which case barbed wire must be at least six feet above the sidewalk and extend inward of the property.

Sec. 15. DEPOSITS ON STREETS

It shall be unlawful to deposit on any street, any material, which may be harmful to the pavement thereof, or any glass, or other articles, which may cause injury to any person, animal, or property.

Sec. 16. BURNING LEAVES AND RUBBISH

It shall be unlawful for any person, firm or corporation to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the Village.

Sec. 17. DRIVEWAYS

- a. It shall be unlawful to construct or maintain any driveway in or across any public walk in the Village where this necessitates any interference with or change in the grade of any public sidewalk, curb, or parkway without having first obtained a permit therefore from the Board of Trustees. Applications for such permits shall state the size, location, and material to be used in such driveway; and it shall be unlawful to depart from such specifications or vary from them without permission from the Village Board.
- b. A fee of \$25.00 shall be paid for such permit.
- c. It shall be the duty of the person, firm, or corporation maintaining such driveway to keep the same free from snow and ice or any other obstruction, and to keep the same in good repair where the same crosses a public sidewalk.

Sec. 18. PENALTY

Any person, firm or corporation violating any provision of this article shall be fined not less than \$25.00 or more than \$200.00 for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

Article 2. TREES AND SHRUBS

Sec. 1. PLANTING

It shall be unlawful to plant any tree or shrub in any public street or parkway or in any other public place without first having secured permit, therefore. Applications for such permit shall be made to the Village Clerk and shall be referred by him to the President and the Board of Trustees of the Village. All trees and shrubs so planted shall be placed subject to the direction and approval of the Street Commissioner.

Sec. 2. REMOVALS

It shall be unlawful to remove or cut down any tree or shrubs in any street, parkway, or other public place without first having secured a permit, therefore. All applications for such permit shall be made to the Village Clerk and shall be referred by him to the Village President and the Board of Trustees for approval before permission shall be granted.

Sec. 3. ADVERTISEMENTS OR NOTICES

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway or other public place.

Sec. 4. TREE CARE IN PUBLIC AREAS

It shall be the responsibility of the Board of Local Improvements to develop, administer and update annually a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and alleys, and in public areas. Such plan, upon approval and acceptance by the Board of Trustees shall constitute the official comprehensive village tree plan for the Village of Gridley, Illinois.

The Street Commissioner shall, under the direction of the Trustees and the Tree Committee, be authorized to administer the village tree plan.

The care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in public areas shall be done in accordance with the comprehensive village tree plan for the Village of Gridley. These standards will be updated annually and be complied with the tree planting stock standards established by the American Association of Nurserymen, the tree planting guidelines set forth by the Illinois Department of Natural Resources/Forestry Division, the tree care guidelines of the International Society of Arborists, and the tree care safety guidelines established by the American National Standards Institute (ANSI A300-1995 "For Tree Care Operation, Tree, Shrub and Other Woody Plant Maintenance--Standard Practices").

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees with the Village without first applying for and procuring a license. The license fee shall be \$0 annually in advance; provided however that no license shall be required on any public service company or Village employee doing such work in the pursuit of their public service endeavors. Residents may prune or treat street trees adjoining their property without obtaining a license, so

long as such work is done with the prior consent of the Street Commissioner and that such work is done in accordance with Village tree care guidelines. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amount of \$500,000 indemnifying the Village or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Sec. 5. DANGEROUS TREES

Any tree or shrub which overhangs any sidewalk, street, or other public place in such a way as to impede or interfere with the traffic or travel upon such public place shall be trimmed by the owner of the abutting premises on which such tree or shrub grows so that the obstruction shall cease.

Any person or company given the right to maintain poles and wires in the streets, alleys or other public places in the Village shall, in the absence of provisions 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 and subject to the supervision of the Commissioner of Streets and Alleys, so that no injury shall be done to the poles or wires or shrubs and trees by contact.

Sec. 6. ABATEMENT OF DANGEROUS TREES

The President of the Board of Trustees shall have the authority to order the trimming or removal of trees upon private property when he shall find such action necessary to public safety or to prevent the spread of disease or insects to public trees and places.

When the President of the Board of Trustees shall find it necessary to order the trimming or removal of trees upon private property, he, or his designate, shall serve a written Order to correct the dangerous condition upon the owner. For purposes of this Ordinance, “owner” shall mean the person or entity to whom the real estate tax bill is sent.

The Order required hereunder shall be served by mailing a copy of the Order to the owner at his last known address by certified mail. “Last known address” shall mean the address owner has provided to the Supervisor of Assessments for McLean County, Illinois.

In the event the owner cannot be served by certified mail, a copy of the order shall be affixed in a conspicuous spot upon the premises in violation and a copy of the Order shall be published in a local newspaper of general circulation.

The Order shall state that unless such tree is trimmed or removed by a specific date, the Village will cause it to be trimmed or removed, the cost thereof will be charged to the owner, and that such cost shall be a lien upon the real property where the tree was trimmed or removed. The Order shall also state that the failure of such owner to abate as required shall be deemed an implied consent for the Village to trim or remove the tree. Such implied consent shall be deemed to form a contract between the owner and the Village. If the owner fails within the time limit specified to remedy as required, the Village may proceed to abate, keeping an account of the expense of the abatement. The

owner shall pay to the Village the actual cost of abatement and a charge of \$100.00 to cover a portion of the administrative costs incurred.

If the cost of abating or removing the nuisance remains unpaid, the Village, at its option, may file a lien upon the real property where the nuisance was abated or removed, or commence proceedings in the Circuit Court seeking a personal judgment from the owner of such property where the nuisance was abated or removed.

When the Village exercises its right to file a lien upon the real property where the nuisance was abated or removed, the City must file a Notice of Lien in the office of the Recorder of deeds of McLean County. Such notice shall consist of a sworn statement setting out:

- a. A description of the real estate sufficient for identification;
- b. The amount of money representing the cost and expense incurred or payable for the service; and
- c. The date or dates when such cost or expense was incurred by the municipality. This lien shall be superior to all other liens except taxes, provided, however, it shall not be valid as to any purchaser whose right in and to such real estate have risen subsequent to the date on which such costs were incurred and prior to the filing of such notice, and a lien of the Village shall not be valid as to any mortgages, judgment, creditor, or other alienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the costs and expenses by the owner or any other person interested in such property, after the Notice of Lien has been filed, the lien shall be released by the Village and the release may be filed of record as in the case of filing the Notice of Lien. The lien may be enforced by proceeding to foreclosure, as provided by law. Interest on the lien shall accrue at the rate of 6% per year.

Sec. 7. GAS PIPES

Any person, firm, or corporation maintaining any gas pipes in the Village, shall in the absence of provision in the franchise concerning the subject keep such pipes free from leaks.

Sec. 8. EXCAVATIONS

In making excavations of streets or other public places proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible.

Sec. 9. PENALTY

Any person, firm, or corporation violating any provisions of this Article shall be fined not less than \$10.00 nor more than \$100.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Article 3. HOUSE NUMBERING

Sec. 1. HOUSE NUMBERING REQUIRED

All lots, buildings, and structures in the Village shall be numbered.

Sec. 2. CHART

The Village Clerk shall keep a chart showing the proper street number of every lot in the Village which shall be open to inspection by anyone interested.

Sec. 3. NUMBERS ON HOUSES

It shall be the duty of the owners and occupants of every house in the Village to have placed thereon, in a place visible from the street, figures at least 2 1/2 inches high, showing the number of the house; any person, firm, or corporation failing to so number any house, building, or other structure occupied by him, or if after receiving notice to do so from the Clerk shall continue in his failure to so number such house, building or structure shall be fined \$1.00 for each day during or on which a failure to so number continues.

Article 4. MAINTENANCE OF EXTERIOR PROPERTY

Sec. 1. DUTY OF OWNER

It shall be the duty of the owner or occupant of any premises in the Village to keep the exterior property and premises maintained in a clean, safe and sanitary condition and free from any accumulation of rubbish or garbage.

Sec. 2. NOTICE OF VIOLATION

It shall be the duty of the Village Board to serve or caused to be served a notice upon the owner or occupant of any premises upon which rubbish or garbage is found in violation of this ordinance.

Sec. 3. ABATEMENT

If the person so served does not abate the nuisance within seven days after such notice is provided, the Village Board may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such owner or occupant, and in no event shall such expense be less than \$50.00. If the charges for services are not paid within 45 days after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent.

Sec. 4. LIENS

Such delinquencies shall constitute liens upon the real estate for which such service is supplied and the Village Clerk is hereby authorized and directed to file sworn detailed statements showing such delinquencies in the office of the Recorder of Deeds of McLean County, Illinois, and the filing of such statements shall be deemed notice of the lien for payment of the service rendered.

Sec. 5. PENALTY

Any person, firm or corporation violating any provisions of this ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each day during or on which such nuisance continues unabated after 7 days from the issuance of the notice.