

ORDINANCE NO. 781

ORDINANCE AMENDING TITLE 7 PUBLIC WAYS AND PROPERTY,
CHAPTER 1 ENTITLED SIDEWALKS AND STREET
FOR THE VILLAGE OF ERIE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF ERIE, WHITESIDE COUNTY, ILLINOIS, as follows:

SECTION ONE: Title 7 entitled Public Ways and Property, Chapter 1 entitled Sidewalks and Street, is hereby repealed in its entirety and shall hereinafter state in its entirety as follows:

7-1-1: Obstructing Public Ways

7-1-2: Chattel Properties

7-1-3: Open Cellars, Vaults

7-1-4: Sidewalk Construction Specifications

7-1-5: Penalty

7-1-6: Declaration Of Necessity

7-1-7: Maintenance Of Sidewalk; Responsibility

7-1-1: OBSTRUCTING PUBLIC WAYS:

(A) It shall be unlawful for any person to place, erect, build or cause to be placed, erected or built, or to suffer to remain in or upon any sidewalk, street, crossing, lane, alley or highway within the limits of the village, any fence, enclosure, box, vehicle or other obstruction of any kind or nature. (1909 Code §6.18)

(B) It shall be unlawful for any person to dig, plow, scrape or remove any earth, gravel or sand from any of the streets, alleys or sidewalks of the village so as to make any of them uneven, or to deposit, pour, empty, throw, pile or place into, on or upon any street, alley, avenue, sidewalk, gutter, drain or within or upon any public right of way in the village, any water, dirt, waste, grass, lawn clippings, glass, refuse, waste material, brush, trees, limbs, leaves, trash, shavings, chips, matter, rubbish, junk, garbage, or any other materials or personal property or refuse of any kind or nature whatsoever, whether abandoned or not, or any other article that might cause injury to any person, animal or property.

(C) No person or railroad company shall stop or leave standing any vehicle, railroad engine, car or cars in any street, sidewalk, crosswalk, road or other public thoroughfare within the limits of the village in such a manner as to obstruct the same; and when it shall be necessary to stop any railroad train, engine, car or cars on any such street or sidewalk for any time exceeding five (5) minutes, such cars shall be uncoupled and the cars shall be separated so that the same shall be the least possible obstruction to the public use of such street, sidewalk or thoroughfare. (Ord. 637, 10-13-2009)

(D) It shall be unlawful for any person to burn any material whatsoever upon any public sidewalk, street, lane, alley, highway, or to burn any material whatsoever within any publicly dedicated right of way, within the limits of the village. (Ord. 382, 11-12-1985)

(E) No person shall deposit, cause to be deposited, release, store, place, cause to be placed or otherwise allow water, ice, or any liquid to be placed or remain on or upon any public street, alley, highway, sidewalk or within or upon all publicly dedicated rights of way within the corporate limits of the village. (Ord. 617, 5-13-2008)

(F) United States mailboxes and private newspaper receptacles are permitted within the publicly dedicated right of way. Garbage cans or garbage receptacles are permitted upon or within the publicly dedicated right of way only on the day appointed for garbage collection. (Ord. 382, 11-12-1985)

(G) Notwithstanding anything to the contrary herein, the provisions of this section shall not apply to the village and its employees, agents and contractors while acting on behalf of the village. (Ord. 617, 5-13-2008)

7-1-2: CHATTEL PROPERTIES:

No person shall deposit or store any chattel property, goods, wares or merchandise on any public highway, street or alley within the corporate limits of the village and allow the same to remain upon such public highway, street or alley for a period of more than eight (8) hours.

No person being the owner or having the possession and control of any chattel property, goods, wares or merchandise shall suffer the same to be deposited on any public highway, street or alley within the corporate limits of the village and suffer the same to remain upon such public highway, street or alley for a period of more than eight (8) hours.

No person shall deposit any chattel property, goods, wares or merchandise on any public sidewalk or, being the owner of, or having the possession and control of, any such chattel property, goods, wares or merchandise shall suffer the same to be deposited on any such public sidewalk, and permit the same to remain upon such sidewalk for a period of more than five (5) hours. (Ord. 126, 11-14-1950)

The foregoing time limitations are also made applicable to all of the provisions of section 7-1-1 of this chapter. Any person found to be in violation of section 7-1-1 of this chapter or this section shall first be given a written warning notice by the village chief of police. (Ord. 382, 11-12-1985)

7-1-3: OPEN CELLARS, VAULTS:

It shall be unlawful for any person to leave open, uncovered or unguarded any cellar, pit, vault or other subterraneous opening leading from, into or upon any street, alley or sidewalk within the limits of the village. (1909 Code §6.6)

7-1-4: SIDEWALK CONSTRUCTION SPECIFICATIONS:

Notwithstanding anything to the contrary herein, all sidewalks constructed in the village shall be ADA compliant cement sidewalks constructed according to the following specifications:

(A) The surface to be covered by the sidewalk shall be brought to subgrade by excavating or filling, as the case may be. The cross section shall conform in every respect to the cross section of the sidewalk when completed, and shall be thoroughly settled and compacted.

(B) When the material or soil forming the subgrade is sand or loose sandy loam the sidewalk may be placed thereon without further foundation course. When material or soil other than sand or loose sandy loam is developed in the subgrade, a foundation course of sand, gravel or clean cinders shall be laid thereon, which shall be thoroughly compacted to a firm even surface.

(C) Upon the foundation prepared as above, shall be spread a layer of concrete four inches (4") thick. The concrete shall be not less than three thousand five hundred (4,000) pounds per square inch. The sidewalk shall be scored not less than every four feet (4') or more than every six feet (6'). The sidewalk shall be broom finished. The sidewalk shall be a minimum of forty eight inches (48") wide.

7-1-5: PENALTY:

Any person convicted of a violation of any section of this chapter, shall be fined in an amount not less than \$100 and not to exceed \$750 for any one offense. (Ord. 382, 11-12-1985)

7-1-6: DECLARATION OF NECESSITY:

It is hereby determined by the board of trustees that it is in the best interests of the public welfare of the residents of the village that damaged sidewalks or sidewalks which have fallen into disrepair be repaired and that the cost of repair shall be as established by this chapter. (Ord. 505, 4-13-1999)

7-1-7: MAINTENANCE OF SIDEWALK; RESPONSIBILITY:

(A) It shall be the responsibility of the owner of the abutting property to keep the sidewalk in a good state of repair so as to ensure safe travel thereon.

SECTION TWO: This ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED by the President and Board of Trustees of the Village of Erie, Whiteside County, Illinois, on the 13th day of December, 2022 and deposited and filed in the office of the Village Clerk in said Village on that date pursuant to roll call vote as follows:

Elected Trustees - 6

AYES: 6

NAYES: 0

ABSENT: 0

Gail Passley
Village Clerk of the Village of Erie, Illinois

Approved by the President of the Village of Erie, this 13th day of December, 2022.

Marcia Smith
President of the Village of Erie, Illinois

ATTEST:

Gail Passley
Village Clerk of the Village of Erie, Illinois

Published in pamphlet form this 13th day of December, 2022.