

CHAPTER 93: SIDEWALKS AND STREETS

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OBSTRUCTIONS

§ 93.001 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVEWAY APPROACH. A section of a right-of-way designated to allow access from a public street or road to a building lot or parcel of land.

SIDEWALK. The portion of a street between the curb line and lateral line of a roadway and the adjacent property line.

VEHICLE. Every device in, upon or by which any person or property is or may be transported, carried or drawn, except devices moved by human power.

(Ord. 2-2006, passed 3-27-2006)

§ 93.002 MOTOR VEHICLES ON SIDEWALK PROHIBITED; VILLAGE SNOW REMOVAL EXCEPTION.

(A) No person shall operate, drive or park, cause to be operated, driven or parked or knowingly permit the operation, driving or parking of any vehicle in or upon any sidewalk within the corporate limits of the village.

(B) The provisions of this subchapter shall not apply to a motor-driven vehicle or equipment that is owned, operated or authorized by the village for the purpose of the maintenance of or removal of snow from the sidewalks.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

§ 93.003 SIDEWALK PEDESTRIAN RIGHT-OF-WAY OVER BICYCLE OR SKATEBOARD.

The riding of bicycles or skateboards on sidewalks in the village is prohibited when it impedes pedestrian use of the sidewalks.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

§ 93.004 ANIMALS PROHIBITED ON SIDEWALK; DOG EXCEPTION.

No person shall ride, drive or lead any horse, team, cow or other animal, except dogs, upon the sidewalks.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

§ 93.005 ATTRACTING CROWD BY SELLING OR ADVERTISING PROHIBITED.

No person shall, by selling or advertising goods upon the streets or sidewalks, attract a crowd and obstruct the sidewalks.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

§ 93.006 AWNING HEIGHT.

No person shall erect an awning upon or over any sidewalk or erect or construct any awning that shall not be at all times, at its lowest point, at least seven feet above the sidewalk.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

§ 93.007 PERMIT REQUIRED FOR SIDEWALK OR STREET PLACEMENT OF GOODS FOR SALE.

It shall be unlawful for any person to locate or place for the purpose of selling or exposing for sale, whether by auction or private sale, any goods, wares or merchandise in any street or public place or on any sidewalk in the village without first obtaining a permit therefore after approval of the Board of Trustees.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

§ 93.008 PERMIT REQUIRED FOR PUBLIC ASSEMBLAGE OR PARADE.

No person or persons nor any society or organization shall assemble or congregate upon the sidewalks or on any corner thereof or public place or places within the village for the purpose of holding a meeting or addressing an audience without first obtaining a permit therefor after approval by the Board of Trustees of the village.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

SIDEWALK CONSTRUCTION

§ 93.020 AUTHORITY TO REQUIRE OWNER TO CONSTRUCT SIDEWALK.

When the Village Board of Trustees deems that in the interests of the general public, new sidewalks must be constructed, the Superintendent of Public Works, by written notice, shall require the owner of any building, occupied lot or vacant lot within the limits of the village, to construct the sidewalk in accordance with the Standard Specifications for Installation of Public Sidewalks.

(Ord. 2-2006, passed 3-27-2006)

§ 93.021 NOTICE TO OWNER TO CONSTRUCT SIDEWALK.

(A) Written notice shall be served upon the owner or his or her executor, legal representative or agent, either personally or by first class prepaid mail addressed to the last known address of the owner or other person mentioned herein as the address is shown on the records of the Superintendent.

(B) If the name of the owner or place of residence cannot be ascertained, notice shall be served by posting in a conspicuous place upon the premises.

(Ord. 2-2006, passed 3-27-2006)

§ 93.022 SIDEWALK SPECIFICATIONS.

(A) All sidewalks installed within the village shall be concrete unless otherwise approved by the Board of Trustees.

(B) (1) Sidewalks shall be a minimum of four feet in width, matching width and elevations to adjacent sidewalks in accordance with ADA requirements. The concrete used shall be 3,500 pounds per square strength within air entertainment of 6% to 7%.

(2) The sidewalk shall be four inches thick except at driveways, where it shall be six inches thick.

(Ord. 2-2006, passed 3-27-2006)

§ 93.023 COST APPORTIONMENT; CHOICE OF CONTRACTOR; NEW SUBDIVISION COST.

(A) The cost of materials for the construction as established by the village, shall be shared by the owner and the village at the rate of 50% by the village and 50% by the property owner.

(B) The property owner has the option of doing the work or hiring a contractor. The village shall share the verified expense, provided however that the village shall in no event pay any amount greater than the maximum rate established by the village. New construction in a subdivision shall be completely at the expense of the developer and will be a condition of subdivision approval unless sidewalk construction is waived at the request of the developer.

(Ord. 2-2006, passed 3-27-2006)

§ 93.024 REMEDY FOR FAILURE TO CONSTRUCT.

If the owner or agent shall fail to construct the sidewalk within 30 days of service of the notice, the Superintendent of Public Works shall cause the sidewalk to be constructed and the owner shall pay 50% of the expense incurred.

(Ord. 2-2006, passed 3-27-2006)

SIDEWALK MAINTENANCE

§ 93.035 DUTY TO REPAIR SIDEWALKS.

The owner and occupant of any premises shall keep sidewalks, on or running along the street row adjoining the property, in reasonably good and safe repair for users thereof; and shall be responsible for all necessary and corrective maintenance to accomplish the result. Any such owner or occupant shall be liable for any injury or damage by reason of omission or failure to repair, keep safe and maintain such sidewalk or to remove obstructions therefrom or negligence in performing these functions.

(Ord. 2-2006, passed 3-27-2006; Am. Ord. 1-2020, passed 4-13-2020)

§ 93.036 DEFECTIVE SIDEWALKS DESCRIBED.

(A) A defective sidewalk that is not in accordance with the standards set forth in §93.035 above shall mean any sidewalk which has any or all of the following conditions:

- (1) Unacceptable quality of sidewalk surface, including but not limited to holes, depressions, breaks or projections;
- (2) Ridges or gaps between adjoining sidewalk blocks;
- (3) Differences in elevation of the surface or of adjoining sidewalk blocks;
- (4) Peeling or crumbling of the surface of the sidewalk;
- (5) Tilting of sidewalk or sidewalk blocks except in the case of handicap ramps, driveway approaches or other similar situations; or
- (6) Missing portions of surface.

(B) The above shall be applicable regardless of the type of sidewalk that exists, whether or not flagstone, brick, concrete, blacktop or any other material.

(C) All defective sidewalks within the terms stated above are hereby declared to be a public nuisance.

(Ord. 2-2006, passed 3-27-2006)

§ 93.037 JURISDICTION OF SUPERINTENDENT OF PUBLIC WORKS; PROMULGATION OF RULES AND REGULATIONS.

(A) The Superintendent of Public Works shall have jurisdiction for the purpose of ordering the repair of a defective sidewalk and for taking remedial action towards making the surface in good repair.

(B) All sidewalk repair or construction is to be performed in accordance with rules and regulations established by the Superintendent of Public Works, who shall prepare the same and promptly file them in the office of the Village Clerk.

(Ord. 2-2006, passed 3-27-2006)

§ 93.038 INSPECTION AND REPORT.

Upon receipt of information that a sidewalk may be defective, the Superintendent shall make an inspection of the sidewalk and file a report in his or her office.

(Ord. 2-2006, passed 3-27-2006)

§ 93.039 REPAIR NOTICE SERVICE AND CONTENT REQUIREMENTS.

(A) (1) If the report shall confirm the existence of a defective sidewalk as defined in this section, the Superintendent shall cause a notice to be served upon the owner or his or her executor, legal representative or agent, either personally or by first class prepaid mail, addressed to the last known address or the owner or other person mentioned herein as the address is shown on the records of the Superintendent.

(2) If the name of the owner or place of residence cannot be ascertained, notice shall be served by posting in a conspicuous place upon the premises.

(B) The notice shall contain the following:

- (1) Description of the premises upon which the sidewalk is located;
- (2) The statement of the particulars in which the sidewalk is defective;
- (3) A designation of the area in which repair or replacement is to be made;

(4) An order that the repair or correction of the defective portion of the sidewalk shall commence within 30 days of personal service or within 40 days of service by mailing;

(5) A procedure to schedule a hearing before the Village Board if the owner does not agree with the findings of the Superintendent of Public Works. That hearing shall be scheduled not less than 20 business days from the date of service of the written notice; and

(6) A statement that in the event of neglect or refusal to comply with the order to repair, or replace the defective sidewalk, the Village Board is authorized to provide that the sidewalk be secured and repaired and that all expenses thereof assessed against the land in which the sidewalk is located including related necessary or incidental expenses.

(Ord. 2-2006, passed 3-27-2006)

§ 93.040 AUTHORITY TO EXTEND TIME OF PERFORMANCE.

The Superintendent may extend time requirements for cause and in writing and upon reasonable terms and conditions.

(Ord. 2-2006, passed 3-27-2006)

§ 93.041 SIDEWALK QUALITY SUBJECT TO INSPECTION AND APPROVAL BY DEPARTMENT OF PUBLIC WORKS.

(A) The property owner/contractor is responsible for the quality of the finished sidewalk.

(B) A representative of the Department of Public Works will inspect the project from time to time and may require the owner to remove and replace new construction that does not meet construction standards as set forth below and as may be modified from time to time.

(Ord. 2-2006, passed 3-27-2006)

§ 93.042 PERMIT AND FEE FOR SIDEWALK CONSTRUCTION REQUIRED; PERMIT VISIBLE.

(A) Before engaging upon sidewalk repair or construction, the contractor, on behalf of the owner, must first obtain a permit from the Superintendent of Public Works. The applications shall be furnished by the Superintendent.

(B) At the time of making application to the village for a permit to construct or repair a sidewalk, the owner or contractor shall pay to the village a permit fee in such amount as the Board of Trustees may from time to time determine.

(C) A copy of any permit issued in accordance with this subchapter, in the possession of the persons actually doing the work shall be available for inspection by the Superintendent of Public Works.

(Ord. 2-2006, passed 3-27-2006)

§ 93.043 INSURANCE CERTIFICATE REQUIRED FOR CONTRACTOR.

No permit shall be issued to a contractor until he or she has filed with the Village Clerk a certificate showing that he or she carries workers' compensation for all of his or her employees and must show certificate of insurance.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

§ 93.044 SIDEWALK GRADE AND CONCRETE.

(A) No person shall repair or reconstruct a sidewalk unless the same shall be in accordance with the grade established and obtained from the Village Department of Public Works.

(B) All replacement sidewalks shall be made of concrete.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

§ 93.045 COST APPORTIONMENT; OWNER INELIGIBILITY FOR REIMBURSEMENT; VILLAGE REIMBURSEMENT OF COST AND INTEREST.

(A) The cost of materials for the construction as established by the village shall be shared by the owner and village at the rate of 50% by the village and 50% by the property owner.

(B) Sidewalk repair or replacement work performed by the village because of the neglect, refusal or failure of the owner to agree to the work shall make the work ineligible for any village sidewalk repair or construction reimbursement plan.

(C) The village shall be reimbursed for the cost of work performed or services rendered as provided in this subchapter by assessment against and collection from the lots or parcels of land where the work was performed or service rendered for so much of the actual and complete cost as incurred upon and from each lot or lots, in the manner provided for the assessment of the cost of public improvements by applicable law, together with appropriate interest.

(Ord. 2-2006, passed 3-27-2006)

§ 93.046 HINDRANCE OF PUBLIC WORKS DEPARTMENT PROHIBITED.

It shall be unlawful for any person, whether or not interested in the property affected by this subchapter, to hinder or obstruct the Department of Public Works or any person acting on his or her behalf and including any contractor from not performing the work in this chapter.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

SNOW AND ICE REMOVAL

§ 93.060 SIDEWALKS KEPT CLEAR OF SNOW AND ICE.

All persons owning or occupying any house or other building, lot or vacant house or lot in the village shall, during the winter season and during the time the snow shall continue on the ground:

(A) Keep the sidewalks in front of, adjoining or in any way contiguous to any such house, building or lot free from obstruction by snow and ice; and

(B) Within 24 hours after the snow and ice have fallen to the ground, remove the same and shall also at all times keep the sidewalks in good and safe repair and clean and keep free from dirt, filth and weeds or other obstructions and encumbrances.

(C) Any such owner or occupant shall be liable for any injury or damage by reason of omission or failure to repair, keep safe and maintain such sidewalk or to remove snow or ice or other obstructions therefrom or negligence in performing these functions.

(D) If the village assists such owner or occupant in removal of snow and ice, such assistance shall not replace or mitigate the owner or occupant's liability for the same.

(Ord. 2-2006, passed 3-27-2006; Am. Ord. 1-2020, passed 4-13-2020)

§ 93.061 TWENTY-FOUR-HOUR TIME LIMIT FOR REMOVAL.

If, within 24 hours, the snow and ice are not removed as herein provided, the Superintendent of Public Works of the village may remove the same, and the charge for so doing may be assessed to the adjoining owner by adding the same to the tax roll.

(Ord. 2-2006, passed 3-27-2006)

§ 93.062 UNLAWFUL DEPOSIT OF SNOW OR ICE.

(A) It shall be unlawful for any person, firm or corporation to push or deposit snow or ice in, on or across any street or sidewalks within the village.

(B) No person, firm or corporation shall plow, shovel, sweep or pile snow, ice or other materials or permit or cause any snow, ice or other materials to be deposited in or on any sidewalk, street, right-of-way or public highway in the village so as to interfere with the safety and convenience of public travel, the snow removal operations of the Department of Public Works, or the drainage system serving the village.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

STREETS

§ 93.075 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONING A HIGHWAY. A road or highway is deemed abandoned if it is unused for a period of six years. Abandonment differs from discontinuance in that no affirmative act of a municipal body is required for the road or highway to become abandoned. Public streets cannot be abandoned. Paper streets can be abandoned if they appear upon a subdivision map and the subdivision is abandoned.

BRIDGE. A structure including supports, erected over a depression or an obstruction such as water, highway or railway having a track or passageway for carrying traffic, or other moving loads and having an opening measured along the center of the track or roadway of more than 20 feet between under croppings of abutments or spring lines or arches, or extreme ends of openings for multiple boxes and may include multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening.

CLOSING A STREET. Procedure whereby a municipality prohibits through passage from one end of a street to the other by means of some type of physical barrier at a point along the street. Street closings can be either permanent or temporary. Temporary **CLOSINGS** occur for such things as parades, water main breaks, or emergencies and utilize temporary

barricades to access while permanent closings involve the erection of some type of fixed barrier.

CULVERT. A structure whether of single or multiple span construction within an interior width of 20 feet or less when measurement is made horizontally along a center line of roadway from face to face of abutments or sidewalks immediately below the copings or fillets; or, if there are no copings or fillets at points six inches below the bridge seats or immediately under the top slab in case of frame structures. Both cities and villages are responsible for the repair of any culverts located within their boundaries.

DISCONTINUING A STREET. Procedure whereby a municipality ends the use of a public street as a thoroughfare, and eliminates that parcel of land's classification as a street on the official map. A street can only be discontinued after it is determined to be useless by the municipality.

HIGHWAYS. Public roads maintained by the state, county or town. Town **HIGHWAYS** are specifically defined to exclude any roads within the boundaries of a village.

OPENING A STREET. A phrase, which has two distinct meanings. While most commonly used to describe digging or excavating a hole or trench into the street, it is also sometimes used to describe when a street closing is ended or a street is otherwise made accessible for travel.

RIGHT-OF-WAY. The area alongside both sides of a roadway that, while not paved is municipally owned. This area includes not only the paved or traveled portion of the street but also reasonable shoulders, including sidewalks and the grassy area between the sidewalk and the paved street. Roads may have been dedicated without specified rights-of-way or continuous use of a private road may have led to it becoming a street by prescription without defined rights-of-way. In the absence of a recorded dedication, a right-of-way would be interpreted as a reasonable width from the paved portion.

ROAD. A strip of land, improved or unimproved, used for purposes of travel between two points. If the public has the right to use a road then it may also be termed a street.

(1) **PRIVATE ROAD.** Any road that has not been dedicated to a municipality and upon which the public had no right of access.

(2) **PUBLIC ROAD.** Same meaning as **PUBLIC STREET** except the term **STREET** historically has been used to describe thoroughfares in municipal areas while **ROAD** or **HIGHWAY** has been used to describe thoroughfares outside of cities and villages.

STREET. Any highway, road, avenue, lane or alley, which the public has a right to use and appears on the official map or a map filed with the County Clerk.

(1) **PAPER STREET.** Streets that appear on the official map of the municipality or a map filed in the office of the County Clerk but which have not been improved.

(2) **PRIVATE STREET.** Any street that appears on the official map or a map filed with the County Clerk but which has not been accepted for dedication or taken by condemnation by the municipality.

(3) **PUBLIC STREET.** Those streets that have been accepted for dedication or taken by condemnation by a municipality.

(Ord. 2-2006, passed 3-27-2006)

§ 93.076 DEDICATION OF INTEREST TO VILLAGE.

(A) Village property owners can dedicate an entire private street, a part thereof or an easement to the village for the use as a public street. If a property owner grants the village an easement, the village will only have the right to use the street in accordance with the easement.

(B) An owner can also dedicate land not previously laid out as a street to be used as a street. Though there may be someone willing to donate land, a municipality is not required to accept a street for dedication.

(C) The process for this dedication and acceptance is as follows.

(1) The owner of the property must make the offer of dedication in writing and the Board of Trustees may by resolution determine to accept the offer. No street less than two rods (33 feet) in width may be accepted unless the resolution passes unanimously by the Board of Trustees.

(2) The Board must hold a public hearing. The notice for the hearing must include a general description of the road and its proposed course.

(3) The owner may convey the land by deed to be dedicated to the village and Board of Trustees may accept the conveyance by a second resolution that must be recorded in the County Clerk's office. All offers of dedication must be recorded in full in the minutes of the Board of Trustees.

(4) Upon acceptance of the conveyance, the land becomes a public street.

(D) If there is any dispute over whether a particular street was dedicated and/or accepted by a city or village, the issue will need to be decided in a court. The burden of proof will fall to the party asserting that the land was dedicated.

(Ord. 2-2006, passed 3-27-2006)

§ 93.077 ABANDONMENT OR DISCONTINUANCE OF STREET; PROCEDURE.

(A) Discontinuance happens when a municipality uses legislative action to end a street's existence. Abandonment comes from the Highway Law and describes what happens when a highway is unused and untraveled for a period of six years. It is important to note that both discontinuance and abandonment are very different from a municipality closing a street. Closing a street only occurs for a limited period of time and can only be done in either an emergency situation or with specific statutory authority. Once a municipality discontinues a street, it may sell the land for adequate compensation or, if the property was taken through eminent domain proceedings, it can be given back to the adjoining landowner.

(B) To discontinue a street, the Village Board must find that a street has become useless. Once the Board has made this finding, it will pass a resolution discontinuing the street after the appropriate notice and a public hearing.

(Ord. 2-2006, passed 3-27-2006)

§ 93.078 NAMING OF STREETS.

Streets can be named or renamed by a simple resolution of the legislative body of the municipality. No public hearing on the matter is necessary. Owners of property on a particular street have no vested right in the name of the street.

(Ord. 2-2006, passed 3-27-2006)

§ 93.079 ACQUISITION OF STREET BY PRESCRIPTION.

(A) One of the lesser-known methods of acquiring streets is through prescription, similar to adverse possession. In villages, this is achieved when a private street has been used continuously as a street for ten years or more, thereby giving it the same force and effect as if it had been originally laid out and recorded as public street.

(B) During the requisite period, the public authority must have repaired or essentially adopted the street for those years. The unorganized public cannot acquire rights to private streets by prescription or dedication by use alone.

(Ord. 2-2006, passed 3-27-2006)

§ 93.080 BALL PLAYING, COASTING PROHIBITED.

No person shall engage in playing ball or aid or assist in playing any game in or upon any street or upon any sidewalk. No person shall engage in coasting or sliding upon any street, alley or public ground without permission of and except under regulations adopted by the Board of Trustees.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

§ 93.081 OVERHEAD, ADJOINING SIGNS; PERMIT OR PRIOR APPROVAL REQUIRED.

(A) No person shall erect or suspend any sign or banner over a public street within the village without the consent of the Board of Trustees.

(B) No sign attached to any building adjoining a public street shall be less than ten feet from the sidewalk.

(C) No such sign shall be placed or attached to a building so that any portion shall be over any portion of any public street or sidewalk until a written permit shall be obtained, after approval of the Board of Trustees, which permit shall be valid only for such time as such bond or insurance policy or renewal thereof shall be in force, and the maintenance of any such sign without the bond or insurance policy shall be a violation of this section.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

§ 93.082 ERECTION AND MAINTENANCE OF UTILITY POLES AND WIRES.

(A) No person, firm or corporation not otherwise authorized by law to do so shall erect or maintain any object, including tree trimming and/or removal on, through or under the surface of any street or sidewalk or public places within the village.

(B) Any telegraph, telephone, electric light or other poles and/or cable television poles and wires and computer wires, or string wires in or over or upon or install conduits or pipes in any street, sidewalk or public ground or over or in front of any building or buildings within the village without a permit from the Board of Trustees.

(C) All permitted telephone, telegraph, electric light or electric power poles and/or cable television poles and wires and computer wires, where the same are located upon the public highway or public places within the village, shall be marked with the name or initials of the owner or owners of the poles in the distinct and legible letters and characters and in such a manner as the Board of Trustees shall prescribe.

(Ord. 2-2006, passed 3-27-2006) Penalty, see § 93.999

OPENINGS AND EXCAVATIONS

§ 93.095 PERMIT AND INSPECTION FEE REQUIRED.

(A) No person, firm, association, public utility or corporation, municipal or otherwise, shall open or dig up any sidewalk, public grounds, pavement or shoulder of any village street or in any way alter, remove, cut up, destroy, elevate or lower any curbing of any such street for any purpose without first obtaining a permit therefore from the Village Clerk, which permit shall be issued only upon authority of the Village Board, or its designee, upon application therefore setting forth in detail the nature of the work to be done and the extent and size of the opening, alteration, removal, destruction elevation or lowering intended to be performed in cases of emergency.

(B) The application shall be accompanied by a fee, which includes the cost of inspection of the work. The permit and inspection fee as determined by the Village Board from time to time shall be paid to the village with the application.

(Ord. 4-2006, passed 6-12-2006) Penalty, see § 93.999

§ 93.096 CONTRACTOR INSURANCE CERTIFICATES.

No permit shall be issued to a contractor until he or she has filed with the Village Clerk a certificate showing that he or she carries workers' compensation for all of his or her employees and must show certificate of insurance.

(Ord. 4-2006, passed 6-12-2006) Penalty, see § 93.999

§ 93.097 REPLACEMENT OF SIDEWALK, CURB OR GUTTER.

No sidewalk, curb or concrete gutter or portion thereof shall be removed without being replaced as a full block from all existing joints.

(Ord. 4-2006, passed 6-12-2006) Penalty, see § 93.999

§ 93.098 DEPOSIT OF RESTORATION COSTS; BOND IN LIEU OF.

(A) (1) As a further condition to the issuance of the permit, the applicant shall deposit with the Clerk such sum of money as set forth from time to time by resolution of the Board of Trustees, the minimum deposit to restore the street, curbing, sidewalk, gutter and drainage lines to at least their original condition.

(2) Where the permit shall be for the removal of any part of a curb, the amount of deposit and the nature of the restoration or substitute for the curbing shall be determined by the Board of Trustees at the time of authorizing the Clerk to issue the permit.

(3) The deposit will be refunded following final inspection.

(B) (1) In lieu of a money deposit as required by division (A) above, the Board of Trustees may, in the case of a private contractor, municipal corporation, public utility or other governmental body, authorize the Clerk to accept a bond in a sum to be determined by the Board, conditioned upon compliance with the terms of this subchapter.

(2) Any private contractor, municipal corporation, public utility or other governmental body, in compliance with this subchapter, shall be bonded for all work in the village involving permits. The bond may be a continuing bond covering all work involving permits issued to the applicant during a period of at least one year.

(Ord. 4-2006, passed 6-12-2006) Penalty, see § 93.999

§ 93.099 SPECIFICATIONS AND RESTRICTIONS FOR STREET OPENING.

(A) The sides of the area of the street opening hereunder shall be straight and parallel and of sufficient width to permit a firm foundation for the refill. In cutting concrete pavement, all reinforcement shall be cut along the centerline of the trench or opening and bent back over the edge of the remaining pavement.

(B) No tunneling shall be permitted under any paved, curbed or gutter portion of the street or under the sidewalk thereof without the special and additionally expressed authority of the Board of Trustees and except under such conditions as it may then impose.

(Ord. 4-2006, passed 6-12-2006) Penalty, see § 93.999

§ 93.100 BACKFILLING SPECIFICATIONS.

(A) All street openings shall be backfilled immediately after the completion of the applicant's work therein. If material under the roadway is unsuitable, contaminated or saturated, it shall be removed from the site and suitable granular material shall be brought in.

(B) Excavations shall be properly backfilled and compacted with mechanical vibratory compactor in horizontal layers not

to exceed 12 inches in thickness. The opening and the adjoining pavement which may have been disturbed in the progress thereof shall then be temporarily paved and the temporary pavement gird for by the applicant until such time as the village shall decide and notify the applicant, by ordinary mail, that proper settlement of the backfill has taken place, whereupon and within ten days of the notice the applicant shall permanently repave the opening and adjacent pavement disturbed by him or her with at least the same quality of material and grade of workmanship as the original pavement and, upon so doing to the satisfaction of the Superintendent of Public Works, shall be entitled to at refund of the deposit made by him or her under § 93.098(A) above.

(C) Upon his or her failure to do so within the time required, the village may refill and repave the same and charge the applicant with the cost hereof at the rates specified in § 93.098(A) above. During the course of all construction, the applicant shall be responsible for all pollution and dust control pertinent to the operation.

(Ord. 4-2006, passed 6-12-2006) Penalty, see § 93.999

§ 93.101 VILLAGE RESERVATION OF REPLACEMENT RIGHT.

(A) The village reserves the right to replace any or all cuts or openings or to alter any replacements which may have been performed by or for the applicant and to pay for the replacements or alterations out of the deposit made by the applicant and, in that event, to refund the applicant any balance of the deposit in excess of the actual or minimum cost as set forth from time to time by resolution of the Board of Trustees, whichever shall be the greater, and the applicant likewise shall be liable for the excess of the cost over the deposit.

(B) No refund shall be made in any event except upon the report of the Superintendent of Public Works that the refill and replacement of the opening, pavement or cut has been effected.

(Ord. 4-2006, passed 6-12-2006) Penalty, see § 93.999

§ 93.102 GUARDING OF EXCAVATION; ASSUMPTION OF LIABILITY.

(A) All the ditches, trenches or openings shall at all times be carefully and properly guarded and lighted by night.

(B) The applicant shall maintain and protect all pedestrian and motorized traffic and assume all liabilities pertinent to permitted operations or violations thereof.

(Ord. 4-2006, passed 6-12-2006) Penalty, see § 93.999

§ 93.999 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to \$10.99.

(Ord. 2-2006, passed 3-27-2006; Ord. 4-2006, passed 6-12-2006)