

### **§138-1. Sidewalk Construction Specifications.**

**A.** Sidewalks shall be constructed on both sides of the streets of the Village according to the following guidelines adopted by the Village Board of Trustees. The Foreman of the Department of Public Works reserves the right to make field adjustments for unforeseen or unusual field conditions.

(a) The minimum width shall be 5.0 feet. When the new installation meets the existing sidewalk, the front edge of last five feet of the new sidewalk shall taper to meet the existing sidewalk for width and elevation.

(b) The back of the new sidewalk shall be on the same line as the original sidewalk.

(c) New sidewalk shall be a minimum of four inches thick, 3,000 pounds per square inch Portland cement concrete, entrained air 5% to 7%, supported on a six-inch compacted gravel base. Wire fabric for concrete reinforcement shall be embedded at mid-depth in the slab. The wire fabric shall consist of No. 6 gauge wire at six-inch centers transversely and longitudinally. Transverse construction joints shall extend to the full depth of the slab and be spaced 20 feet to 25 feet apart. The edges of such joints shall be finished with an edging tool having a one-fourth-inch radius. The concrete surface shall be scored at intervals of five feet so that the finished walk will be marked in squares. The concrete shall be finished to produce a smooth surface and then lightly broomed to a uniform texture. A premolded bituminous joint filler shall be installed at all joints between sidewalk and curb pavement, building, etc.

(d) Expansion joints shall be of one-half-inch bituminous joint material of full depth and shall not exceed 20 feet.

(e) New concrete sidewalk shall be sloped toward the street at a minimum of 1/4 inch per foot and a maximum of 1/2 inch per foot.

(f) The finish shall be a fine-broomed texture at right angles to the run of the sidewalk.

(g) Dummy joints shall be made with an acceptable jointing tool at nominal five-foot spacing. Edges shall be tooled with an acceptable edging tool.

## **§138-2. Maintenance and Repair of Sidewalks**

**A.** All owners or agents of owners with property abutting or fronting upon any plaza, street or alley within the Village limits are required to and shall have the duty to keep the sidewalks abutting their property in good order and repair.

**B.** The owner or the agents of owners with property so abutting shall be liable for any injury or any damage caused to any person or property caused wholly or in part by the failure of said owner or agent to so maintain and repair said sidewalks. Each such owner shall be liable to the Village for all losses to the Village or recoveries from the Village for damages to person or property of others caused by his failure or that of his agents to repair and keep in good order and reasonably safe condition all such sidewalks fronting his property.

**C.** The Village may, at its discretion, through the Foreman of the Department of Public Works, notify such owner by written notice that repairs are necessary to put such sidewalk in good order, and such owner shall, within ninety (90) days after such notification, under the supervision of the Foreman of the Department of Public Works, complete such repairs as specified in such notice. The Foreman of the Department of Public Works may in his or her discretion exclude any dates between November 1 and March 30 from the computation of said ninety day period in consideration of impracticalities of construction work during the winter season. If the person fails to make the required repairs, the Village may repair the same and the owner shall be liable to the Village for the cost of the repairs, and said liability shall be incurred immediately upon completion of the repairs by the Village. Where the full amount due the Village is not paid by such owner within ninety (90) days after the correction of such violation as provided in Subsections **A** and **B** above, the Village shall cause to be filed in the office of the Village Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property by section, lot and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus the cost of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty at the legal rate of interest in the event that the same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the

property designated and described in the statement and that the same is due and collectible as provided by law.

**D.** Written notice upon a property owner as required herein shall be served either (1) personally or (2) by registered or certified mail, return-receipt requested, to the property owner's last address shown on the most current assessment role.

**E.** A permit shall be required to make repairs pursuant to this section and a property owner shall be provided with a copy of the Village's adopted sidewalk construction specifications with the permit. However, there will be no charge for such a permit unless it is proposed to make a change in the grade, location or dimensions of the sidewalk.

**F.** Failure to complete said replacement or repair within ninety (90) days shall be an offense subject to a fine in the amount of \$50.00 for each day the replacement or repair work remains incomplete after the expiration of said ninety (90) day period.

**G.** Upon the application by a property owner, the Village may, at its sole discretion, contribute up to one thousand five hundred dollars (\$1,500.00) toward the cost of the replacement or repair of a sidewalk located within the Village. For property owners who own two contiguous parcels of property, the Village may, at its sole discretion, contribute up to three thousand dollars (\$3,000.00) so long as sidewalks are replaced or repaired in front of each parcel. An application for contribution by the Village for replacement or repairs of sidewalks must be submitted prior to the work being completed by the property owner.

#### **§ 138-5**

##### **Snow and ice removal.**

**A.** The owner, occupant or person in charge of an improved or unimproved lot adjoining a Village street shall remove the snow from the sidewalks in front of such lot within 12 hours after each snowstorm and shall keep the sidewalks clear of snow and ice and, when slippery, keep the same safe by applying salt, sand or ice melt. The portion of the sidewalk required to be kept free from snow and ice is the entire portion thereof adjacent to the improved or unimproved lot. A storm ceasing after 7:00 p.m. shall be considered as ceasing at 7:00 a.m. the following morning.

**B.** Whenever any such owner or occupant or responsible person in charge shall fail to keep the sidewalk maintained as set forth herein, said failure shall be an offense subject to a fine in the amount of \$50.00 for each day the sidewalk is not properly maintained. If the person fails to maintain the sidewalk as provided herein with five (5) days of the weather event precipitating the maintenance, the Village may maintain same and the owner shall be liable to the Village for the cost of the maintenance, and said liability shall be incurred immediately upon completion of the

maintenance by the Village. Where the full amount due the Village is not paid by such owner within ninety (90) days, the Village shall cause to be filed in the office of the Village Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property by section, lot and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus the cost of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty at the legal rate of interest in the event that the same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated and described in the statement and that the same is due and collectible as provided by law.

#### **§ 138-11**

No person shall damage, remove, dig into or across the sidewalk adjacent to the premises owned or occupied by him, or adjacent to any other premises, or shall cause the same to be done, until the owner or occupant thereof shall obtain the permission of the Board of Trustees, in writing, which permission shall state the purpose for which said action is to be taken, and such person, after disturbing any sidewalk, shall restore said sidewalk pursuant to §138-1 of this Chapter.

Should there be any damage or removal of all or part of an existing sidewalk without the permission of the Board of Trustees, in addition to repair and or restoration of said damaged or removed sidewalk, or portion thereof, as set forth in §138-1 of this Chapter, the person causing said damage or removal, and anyone assisting or contributing to the damage or removal, shall be subject to a fine of not more than \$500.00 as set forth in §138-19 of this Chapter.

#### **§ 138-19**

A violation of this chapter may be punishable by a fine of not more than \$250.00 or by imprisonment for not more than 15 days or both; or in the case of damage or removal of a sidewalk without permission from the Board of Trustees, a fine of not more than \$500.00 or by imprisonment for not more than 15 days or both. Each week the violation continues shall be considered a separate violation giving rise to additional and compounding fines and imprisonment.