

Pass. d: 4/14/75

ORDINANCE NO. 75-1

AN ORDINANCE PROVIDING FOR AND REGULATING THE CONSTRUCTION
AND REPAIR OF SIDEWALKS WITHIN THE CORPORATE LIMITS OF THE
VILLAGE OF WINNEBAGO, ILLINOIS

WHEREAS, to establish conformity in the construction of sidewalks
and the maintenance thereof within the Village of Winnebago, certain standards
for such construction are required:

THEREFORE, BE IT ORDAINED by the President and the Board of
Trustees of the Village of Winnebago, Illinois:

Section I

Title: This Ordinance shall be known and may be cited as the "Sidewalk
Construction Ordinance."

Section II

SIDEWALK CONSTRUCTION

1. COMPLIANCE WITH ORDINANCE: All sidewalks hereafter constructed
or repaired on or along any street within the Village of Winnebago, whether
pursuant to any special ordinance or otherwise, shall, unless otherwise provided
by special ordinance, be constructed or repaired as herein provided.

2. LOCATION: All sidewalks hereafter constructed shall be upon such
portion of the land between the curb line of the street and the property line of
the abutting owner as shall be particularly designated by the Village Engineer.

3. WIDTH AND GRADE: The width, line and grade of all sidewalks
hereafter constructed shall be determined by the Village Engineer, and there
shall be no variation from his determinations and directions in such matters.
The forms shall be so set as to give a slope downward toward the street one-
quarter of an inch for each foot of walk width.

Section III

MATERIALS AND SPECIFICATIONS

All sidewalks, unless otherwise provided by special ordinance, shall be
constructed or repaired of portland cement concrete in accordance with the
following specifications:

1. The cement shall be Chicago AA Portland cement, or Portland cement equal in quality thereto for concrete purposes.
2. The sand shall be clean washed consisting of hard and angular grains.
3. The gravel shall be clean washed and of a size that will pass a one and one-half inch ring and be retained on a one-quarter inch screen.
4. Crushed stone, if used, shall be crushed to such size as to pass a one and one-half inch ring and be retained on a one-quarter inch screen, and shall be free from clay, loam and all vegetable matter.
5. When necessary, the foundation shall be made solid by wetting or tamping. Soft and spongy places not affording a firm foundation shall be dug out and refilled with stone or gravel and thoroughly compacted by tamping. Where filling is necessary such filling shall consist of clay, loam, stone or gravel free from vegetable matter, and shall be placed in layers of six inches or less, each layer being thoroughly compacted by tamping or wetting. The fill shall extend at least one foot on each side of the finished sidewalk, having a slope on either side of the walk of one and one-half horizontal to one vertical. Where curb exists, the fill shall slope uniformly from the outside edge of the sidewalk to the curb.
6. All tree roots liable to cause heaving or spreading of the walk shall be removed.
7. Concrete for the base of the sidewalk shall be mixed in the proportion of one part cement to two and one-half parts sand to five parts gravel, each being measured separately and deposited on a level water-tight platform and thoroughly mixed dry to a uniform color. Water shall be added and the mass turned until thoroughly mixed. When a mechanical mixer is used, concrete equivalent in quality to that specified shall be used.
8. Forms shall be of lumber or metal free from fault or defect. All mortar and dirt shall be removed from forms previously used. The forms shall be well staked to the proper lines and grades and their upper edges shall conform with the finished surface of the sidewalk.

9. The concrete shall be poured within fifteen minutes after being mixed and shall be transferred and placed in the forms in such manner that the mortar shall not be separated from the aggregate. The concrete shall be spread evenly and shall be at least four inches thick after thorough tamping. The surface shall then be floated and troweled to a true and uniform surface, the final finish being made with a suitable brush.

10. A glazed or slippery surface is prohibited. On grades exceeding five percent, the surface shall be slightly roughened by means of a grooving tool, toothed roller or other suitable tool.

11. Traverse joints one-half inch in width shall be placed at least every fifty lineal feet of walk and also where walk joins curbing. Such joints shall extend through the entire depth, and shall be formed by inserting, during construction, and leaving in place, the required thickness of joint filler consisting of paving tar or asphalt or bituminous felt.

12. Material used in construction shall not be stored within ten feet of any fire hydrant. All unused material, and all dirt and rubbish remaining after completion of the walk, shall be immediately removed.

13. No person shall hereafter repair, rebuild or reconstruct any sidewalk built or constructed otherwise than in this section provided, which requires more than thirty-five per cent of new material so to repair, rebuild, or reconstruct.

Section IV

SPECIAL ORDINANCE

1. For particular construction or repair the owners of land abutting the street dedication or right of way upon which a sidewalk is to be constructed or repaired may be required to construct or repair such sidewalk, by Special Ordinance. Such Special Ordinance may incorporate this Ordinance by reference, with the same effect as though set forth at length in such Special Ordinance.

2. The Village Clerk shall mail a notice of the passage of the Special Ordinance, addressed to the person who last paid the general taxes on each

respective lot or parcel of land. An affidavit of such service shall be made and filed in the office of the Village Clerk and shall be prima facie evidence.

3. The owners shall construct or repair the particular sidewalk within thirty days after the mailing of notice. In default thereof, the Village may construct or repair such sidewalk and charge the cost thereof to the defaulting owners.

4. Each owner shall be liable for the cost of the portion or footage of the sidewalk located upon land touching upon, or along, his land only, and for no other portion of the sidewalk project provided for in such ordinance, even though it may be found and determined that the sidewalks therein provided for are so connected, or otherwise related, as to constitute a single system of improvement.

5. If the owner, after construction or repair of the sidewalk by the Village, fails to pay the cost of such construction or repair forthwith, the Village Clerk and other officials of the Village shall proceed immediately to collect the cost of such construction or repair from such owner by special taxation, by taking the various actions, procedures and steps for collection provided in Division 84 of Article 11 of The Illinois Municipal Code, all pertinent and applicable provisions of such statute being hereby considered a part of this Ordinance and being hereby specifically incorporated herein by reference.

6. The Village Engineer is hereby designated as the officer to take charge of the construction or repair of the sidewalk, and the Village Clerk is hereby designated as the officer to collect the special tax, all in accordance with Section 11-84-3 of the Illinois Municipal Code.

7. Contracts for such construction or repair shall be let in accordance with the provisions of Section 11-84-7 of the Illinois Municipal Code.

Section V

NON-CONFORMING CONSTRUCTION

1. Whenever any sidewalk shall be constructed in the Village in violation of, or contrary to, any of the provisions contained in this Ordinance, it shall be the duty of the Village Engineer forthwith to notify, in writing, the owner of the property abutting upon such sidewalk, or the person last paying the general taxes on such property, to change, rebuild or reconstruct such walk to conform with this Ordinance.

2. If such owner or person shall fail, refuse or neglect to comply with the requirements of such notice, the Village may proceed, by Special Ordinance, with the construction of such walk in accordance with the provisions and specifications herein contained in place of the walk so built in violation of this Ordinance.

3. Any walk constructed contrary to this Ordinance is hereby declared to be a nuisance and the Village Engineer is hereby authorized to remove or take up the same.

Section VI

OWNERS' LIABILITY

1. **RESPONSIBILITY FOR REPAIR:** The owner of the land abutting the street dedication or right of way upon which a sidewalk exists shall keep and maintain such sidewalk in a safe condition and a good and thorough state of repair at all times. Nothing in this Ordinance shall be so construed as to relieve such owner from the duty and obligation hereby expressly enjoined and imposed.

2. **FINANCIAL LIABILITY:** If at any time any injury or property damage shall be sustained by any individual, or the Village shall be subjected to any damage liability, in consequence of any defect, obstruction, lack of repair or dangerous condition in or on any sidewalk, or in consequence of any other violation of this Ordinance, the owner whose duty it is to maintain such sidewalk,

or the person causing such defect, obstruction, condition or violation, shall be liable for such injury, damage or liability, to the Village or to the person injured or damaged. If such owner be a non-resident, proceedings may be commenced against the property by attachment, under the laws of the State of Illinois.

3. OPENINGS: Every opening or stairwell into any coal hole, chute, cellar, basement, vault or other hole adjacent to, under or in any sidewalk shall be at all times kept covered with a substantial iron plate or cover, having a rough surface and set even with the top of the sidewalk, or shall be surrounded by iron railing and gate.

4. The construction of any such opening or stairwell shall not be commenced without the consent and authorization of the Village.

5. Nothing herein contained shall prevent the use of any such opening or stairwell for its intended purpose, using all proper precaution for the safety of the public, and only opening the same in the daytime while in actual use.

Section VII

OFFENSES

1. DAMAGE: No person shall make or cause any break, damage to or hole in any sidewalk.

2. PROJECTIONS: No person shall construct or place any portico, porch, door, window, railing, areaway or steps, which shall project into or over any sidewalk, without permission of the Village.

3. AWNINGS: All awnings over any sidewalk shall be elevated so that the lowest part shall be at least eight feet above the sidewalk, and shall not extend to exceed three-fourths of the width thereof. Such awnings shall be supported without posts, by iron brackets or by an iron frame-work attached firmly to the building, so as to leave the sidewalk wholly unobstructed.

4. DOWNSPOUTS: No person shall erect or maintain any downspout or pipe from the eaves or roof of any building, constructed in such a manner as to

discharge rain water or surface water upon any sidewalk.

5. COASTING OR SLEDDING: No person shall engage in coasting or sledding on any sidewalk.

6. DRIVING: No person shall drive or stand any vehicle on, over or across any sidewalk or parkway, except for driving upon an established driveway across such sidewalk or parkway.

7. EXCAVATIONS: No person, making any excavation upon or adjoining any sidewalk, or having the same in charge, shall leave the same open and unprotected at night so as to endanger the safety of persons or animals.

8. EXPECTORATING: No person shall expectorate upon any sidewalk.

9. SHARP FENCES: No person shall erect or maintain along any sidewalk any fences of barbed wire or any other sharp, pointed or dangerous materials.

10. SPIKED RAILINGS: No person shall erect or maintain along any sidewalk any railing upon which there is affixed any spike, nail or other pointed instrument.

11. ACTIVITIES: No person shall engage in any game, sport or amusement, exhibit any animal or machine, or do any other act or thing upon any sidewalk or adjacent thereto, which shall interfere with persons passing along.

12. FLOODING: No person shall dam, obstruct, or change the natural current of any water course, or dam or obstruct any ditch, sewer, drain or culvert, so as to flood or damage any sidewalk.

13. SALES: No person shall sell, attempt to sell, or cry for sale at public auction any real or personal property upon any sidewalk.

14. GARBAGE AND REFUSE: No person shall deposit or place any refuse or garbage upon any sidewalk.

15. MERCHANDISE: No person shall place any boxes, goods, wares or merchandise, for sale or show, upon any sidewalk. No person, while receiving or delivering goods, wares, or merchandise, shall permit the same to remain on any sidewalk longer than two hours, and for this purpose he shall

occupy only so much of the outer edge of the sidewalk, in front of a store or building, as will leave an unoccupied space of at least four feet in width for the use of pedestrians.

16. WRITING: No person shall paint, print, or write, on any sidewalk without permission of the Village.

17. SHARP MATERIALS: No person shall deposit, place or leave upon any sidewalk any broken glass, crockery, nails, tacks, iron cuttings, wire or other article liable to wound, injure or damage any man, beast or vehicle.

18. LITTER AND MATERIALS: No person shall unload, throw or place any coal, sand, papers, litter or other materials upon any sidewalk.

19. SNOW REMOVAL: The owner and occupant of land abutting the street dedication or right of way upon which a sidewalk exists shall keep and maintain such sidewalk free and clear of ice and snow. Such persons shall remove snow from such sidewalk within twelve hours after the cessation of any snowfall.

20. MATERIALS ON PARKWAY: No person shall exhibit, stand or store any merchandise, machinery, junk or other materials on the parkway section, between curb line and the property line, of any street.

Section VIII

FINES AND PENALTIES

Any person, firm or corporation violating any provision or committing any offense enumerated in Section VII hereof, shall be punished by a fine of not less than \$25.00 nor more than \$500.00 or by imprisonment in the County Jail for not more than 30 days, or by both such fine and imprisonment.

Section IX

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

APPROVED:

By:

Charles R. Kayser
President of the Board of Trustees
of the Village of Winnebago

ATTEST:

Thomas E. Query
Village Clerk

PASSED: APRIL 14, 1975

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