

## **Title 11**

### **STREETS AND SIDEWALKS**

#### **Chapters:**

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## Chapter 11.04

### CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS

#### Sections:

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- 11.04.110 Damages To Or Obstruction Of Streets.**
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#### **11.04.010 Altering Grades And Digging Holes, Etc.**

Any person or persons who alters the grade of any street, alley, sidewalk or public grounds within this Village, or who digs any hole, ditch, drain or trench or constructs any sewer, vault, cistern or well in or under the same without first having obtained a written permit or order from the Village Board so to do, and any person or persons having received such written license or order from the Village Board so to do, who fails or neglects promptly to rebuild and restore such street, alley, sidewalk or public ground, and make it as good, substantial and permanent in all respects as the same was before said work was begun, shall be subject to penalty as provided in Section 1.12.010. (Prior code § 3.07).

#### **11.04.020 Removing Earth, Etc., From Streets.**

Any person or persons who removes any earth, sand, stones, planks or gravel from any streets, highways or public grounds without first having obtained an order or permit from the Village Board shall be subject to penalty as provided in Section 1.12.010. (Prior code § 3.08).

#### **11.04.030 Streets Passable During Repair--Barriers.**

It is the duty of every person, firm or corporation which may have a contract for the grading or improving of any street, and of every person who shall be engaged in any of the above named work, to see that such street, during the progress of said work, shall be passable, and not otherwise to be made dangerous; but where the nature of said work necessarily makes travel over such streets dangerous every such person, firm or corporation shall, during all such time, erect and maintain good and sufficient barriers (with lights mounted thereon, between sundown and sunrise) to caution the public that said street is impassable or dangerous, and to prevent travel thereon. Any person violating the provisions of this Section shall be subject to penalty as provided in Section 1.12.010. (Prior code § 3.12).

#### **11.04.040 Interference With Barriers Unlawful.**

When any street has been barricaded in the manner prescribed in the preceding Section, and the Street Commissioner of said Village has caused a notice to be placed upon such barrier that the same has been erected by the authority of the Village, any person who removes or throws down, or causes to be removed or thrown down any such barrier, or who proceeds upon any portion of said street so enclosed by barriers, except the sidewalk space, shall be subject to penalty as provided in Section 1.12.010. (Prior code § 3.13).

**11.04.050 Street Cuts, Permit Required.**

No person, firm or corporation shall cut into or open any roadway, street or alley within the Village limits unless first they apply for and receive a permit from the Building Inspector and shall pay a fee in accordance with Section 3.06.010 (E) of this Code. (Ord. 2003-5-2 § 3; Ord. 98-3-1 (part): § of Ord. passed 5/12/58).

**11.04.060 Replacing Roads.**

All roads must be replaced in the following manner or its equivalent:

A. All trenches and excavations of the road surface or right-of-way must be replaced with slurry aggregate backfill.

B. Where the same is a blacktop road or street, it must be replaced with a minimum of four (4) inches of blacktop on the road surface.

C. When the same is hi-bituminous road or street, it shall be replaced with a minimum of four (4) inches of bituminous concrete pavement to the level of the roadway. (Ord. 92-5-1: § 2 of Ord. passed 5/12/58).

**11.04.070 Inspection Of Ditch Or Hole.**

No ditch or hole shall be closed until inspected and approved by the superintendent of streets or a member of the Street and Alley Committee. (§ 3 of Ord. passed 5/12/58).

**11.04.080 Bond Requirement.**

Before any permit shall be granted, a bond in the sum of one thousand two hundred dollars (\$1,200.00) shall be posted for the performance of Sections 11.04.050 through 11.04.070 and each opening shall be considered separately and a bond posted for each. No opening shall remain open without adequate warning. (Ord. 98-3-1 (part): § 4 of Ord. passed 5/12/58).

**11.04.090 Street Privilege Permit.**

A. When Required. Permits for the use of the streets, alleys, sidewalks, street rights-of-way and other public ways or places of the Village may be granted to applicants by the Building Inspector for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or right-of-way with materials necessary in and about the construction or demolition of any building or structure, or in connection with the construction of any improvement when such permit is deemed necessary by the Building Inspector. In addition, a Street Privilege Permit shall be required in case of the construction of a primary residence any commercial building. Such applicant, though, must comply with the other requirements of this subsection and obtain a building permit, if required by the building regulations of the Village. Applications shall be made for a Street Privilege Permit at the time of application for a building permit and the Building Inspector shall, at that time, determine if such Street Privilege Permit is required. It is the specific intent of the Village Board of Trustees to eliminate damages to public streets and adjacent rights-of-way during the construction of improvements on private lots and, as such, there shall be a presumption that a Street Privilege Permit is necessary and that a bond shall be required unless deemed unnecessary by the Building Inspector. No building permit shall be issued until such time as the Building Inspector determines whether a Street Privilege Permit is required.

B. Bond. No Street Privilege Permit shall be issued until the applicant executes and files with the Village Clerk/Treasurer a bond, in cash or certified funds, in the sum of five hundred (\$500.00) dollars. Such bond must indemnify and save harmless the Village from any and all liabilities for accidents or damage caused by reason of operations under said permit, and guarantee that the permittee will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations. The permittee shall restore all Village property to the condition of said property prior to the issuance of the permit, which shall include, but will not be limited to, the removal of construction debris, tree limbs, branches or trunks, grading and restoration of ditch lines or other public improvements. In the event any damage is incurred to streets or public improvements or land, or

any cleanup costs are incurred by the Village, then, upon three (3) days notice to applicant, the Village may forfeit such sums as are necessary from the bond to complete repairs or cleanup of the affected area. In addition, in the event that the bond posted hereunder is insufficient to complete repairs of damage to streets or public improvements or public lands, or to pay for all cleanup costs incurred, then, in such event, any occupancy permit may be withheld by the Building Inspector in connection with the construction until such time as all repairs and cleanup of the affected area have been completed.

C. Fee. The fee for a Street Privilege Permit shall be as identified in Section 3.06.010(E) of this Code.

D. Conditions of Occupancy. The permission to occupy or obstruct alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings, or structures, and shall be given upon the following terms and conditions and subject to revocation without notice by the Building Inspector for violation thereof:

1. Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley;
2. Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions;
3. Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy;
4. The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Building Inspector shall continue during all hours of the day or night;
5. No building or structure shall be allowed to remain in an area which would prevent easy access to any fire hydrant or designated fire lane;
6. Buildings shall be moved only in accordance with the route prescribed by the Building Inspector and in accordance with Section 14.12 of this Code;
7. Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee. (Ord. 2003-5-2 § 3, 2003).

#### **11.04.100 Removal Of Street Encroachment.**

In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within twenty-four (24) hours after notice from the Village to do so, it shall be the duty of the Public Works Department to remove such obstruction and report the cost and expense to the Village Clerk. If this cost is not paid by the owner or occupant, the cost shall then be entered on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and be collected as other special taxes against real estate. (Ord. 2003-5-2 (part)).

#### **11.04.110 Damages To Or Obstruction Of Streets.**

A. Prohibitions. No person, whether natural or corporate, shall cause or allow to be caused any of the following:

1. Litter or the deposit any foreign matter on any street, highway, sidewalk, park or public place, except building materials and merchandise as permitted under the Ordinance codified in this Chapter or as otherwise may be permitted by the Village Board or the Village Building Inspector;
2. Damage or deface any street, highway, sidewalk, public way, park or other public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon, except as may be authorized by the Village Board or Village Building Inspector;
3. No person shall obstruct or endanger the free passage or proper use of the public of any street, sidewalk, highway or public place, except as may be permitted by the Village Board or the Village Building Inspector;
4. No person shall commence or continue any construction, place construction vehicles or equipment on any Village road or road right-of-way, or otherwise take any action which will, in the opinion of the Village

Building Inspector, adversely impact the condition or proper use of any public street, sidewalk, highway, right-of-way or other public property without first posting a street bond and obtaining a building permit from the Village Building Inspector.

B. Permits. When, upon reviewing applications for building permits under Title 14 of this Code, the Building Inspector determines that it will be necessary for the applicant to obtain a street and/or sidewalk permit then the applicant shall be required to comply with the provisions of this Chapter prior to the issuance of any building or zoning permit. In addition to any other conditions which may be imposed by the Village Building Inspector for the issuance of a building or zoning permit, or a street or sidewalk permit under this Code, the Village Building Inspector may consider and impose other conditions precedent to the issuance of any such permit(s) including, but not limited to, the following:

1. Prohibiting any tracked vehicle on the public roadway or road right-of-way unless steel mats or other provisions which meet with the satisfaction of the Village Building Inspector are utilized so as to prevent damage to Village roads and road right-of-way;

2. Provision for adequate off right-of-way parking during periods of construction and prohibition of overnight parking of construction equipment and trucks on any portion of the road right-of-way;

3. Twenty-four (24) hours advance notice prior to working on any street right-of-way with a plan submitted and approved in advance for the erection of barricades, detour signs, cones or other markers pursuant to this Chapter;

4. The prohibition of the use of a sewer lateral for draining any foundation during the construction phase, with appropriate measures or additional bonding to enforce such sanction;

5. Withholding the issuance of final occupancy permit(s) until such time as all permit conditions and/or Ordinance provisions have been met. This will include the review and acceptance of the road, sidewalk, or right of way condition by the Building Inspector, Public Works Department, or Village Engineer. (Ord. 2003-5-2 (part)).

#### **11.04.115 Driveway Construction**

A. For purposes of this Section, access and approach shall have the same meaning and shall refer to the portion of a driveway or other motor vehicle access way from a public or private road to private property that lies between the edge of said road and the edge of the right of way. In no case shall the regulated length of an access or approach be less than five (5) feet from the edge of the road.

B. No access or approach shall be located less than five (5) feet from the adjoining property line as if the line were extended to the edge of the road.

C. No access or approach shall be constructed of concrete unless the grade and elevation of such access or approach, in the five (5) feet immediately adjacent to the edge of the existing road, is below the elevation of the road at the edge abutting the access or approach or, in the case of a road with curb, is below the elevation of said curb.

D. No access or approach shall be constructed to include any reinforcement bars or any wire of any type.

E. Existing curb height at a proposed driveway entrance may be reduced by one (1) of the following methods, at the option of the Village.

1. By making two (2) transverse saw cuts, removing a section of the existing curb and gutter, and installing a new depressed curb section in accordance with the attached specifications. Care shall be exercised to avoid damage to the adjacent street pavement. Damaged pavement shall be trimmed to neat lines by saw cutting vertically a minimum depth of two (2) inches prior to replacement of surface gradation bituminous concrete pavement material;

2. By making one (1) longitudinal saw cut through the curb head section along a horizontal plane sloped to match Section A-A of the specifications attached to the Ordinance codified in this subsection and on file in the office of the Village Clerk/Treasurer. The sawing operation shall be made by a mechanically guided diamond bladed saw designed specifically for this purpose, and finished by diamond wheel grinding. Grinding, except for finishing, and chipping or milling are not acceptable methods to achieve the required curb section.

F. All construction, installation, or replacement of any access or approach, or any modification of a curb, shall require a permit from the Department of Public Works obtained via an application form provided by the Village and upon payment of the required fee as described elsewhere in this Code. Inspection of any such work will be performed by the Department of Public Works and such inspections shall include inspection of the forms prior to pouring of concrete and inspection of based installation prior to installation of asphalt. Request for inspection shall be received by the Department of Public Works on a regularly scheduled business day of the Village a minimum of twenty-four (24) hours prior to the installation of concrete or asphalt. (Ord. 2007-10-1 § 3)

**11.04.117 Sidewalks**

All properties which require sidewalks to be constructed shall have sidewalk forms inspected and approved by the Department of Public Works prior to the placement of any concrete. Any concrete sidewalks completed without prior inspection approval shall be removed and replaced at the property owner's expense. (Ord. 2007-10-1 § 4)

**11.04.120 Protection Of Work In Streets.**

Any person doing work in any street, highway, sidewalk or other public place shall maintain suitable barricades to prevent injury to any person or vehicles by reason of the work. Barricades shall be protected by suitable lights at night. Any defect in any pavement shall be barricaded to prevent injury. Any person maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open, by proper barricades or lights. No person shall interfere with or disturb any barricades or lights lawfully placed to prevent or to protect any new pavement or excavation or opening in any street highway or sidewalk. (Ord. 2003-5-2 (part)).

**11.04.130 Penalty.**

Any person who violates any provision of this Chapter, in addition to such other remedies as may be available to the Village, shall be subject to the penalties outlined in Section 1.12.010 of this Code and shall be liable to the all costs of prosecution of such action and for all consequential damages incurred by the Village in repairing or restoring Village property or removing equipment, obstructions or other matter from Village property or right-of-way. For purposes of this Chapter, each day in which a condition which violates this Chapter shall constitute a separate offense. (Ord. 2003-5-2 (part)).

## Chapter 11.08

### EXCAVATIONS

#### Sections:

#### **11.08.010 Gravel Pits Near Highway.**

#### **11.08.020 Open Excavations Unlawful.**

#### **11.08.010 Gravel Pits Near Highway.**

The digging and taking of gravel from gravel pits within fifty (50) feet of the margin of any public highway in the Village is prohibited, and any person violating this Section shall be subject to penalty as provided in Section 1.12.010. (Prior code § 3.23).

#### **11.08.020 Open Excavations Unlawful.**

No person, persons or corporations being the owner or occupant of any lot, part of lot or parcel of land in this Village, shall leave open and not securely guarded any cisterns, well or other dangerous excavation on such lot, part of lot or parcel of ground, in the Village; and every person or corporation violating any of the provisions of this Section shall be subject to penalty as provided in Section 1.12.010. (Prior code § 10.11).

## Chapter 11.12

### KEEPING SIDEWALKS CLEAR

#### Sections:

#### **11.12.010 Obstructing Sidewalks, Alleys, Streets or Roads.**

#### **11.12.020 Snow and Ice.**

#### **11.12.030 Rubbish and Filth.**

#### **11.12.010 Obstructing Sidewalks, Alleys, Streets or Roads.**

A. Any person who piles, deposits, or places, or permits to be piled, deposited, or placed any rubbish, wood, dirt, grass clippings, leaves, impediment or obstruction of any kind to accumulate or be deposited upon the sidewalk, alley, street or road within this Village so as to interfere with the convenient use of the same by the public or to clog drainage that results in the debris ending up in the Lakes, shall be subject to penalty as provided in Section 1.12.010.

B. It is unlawful to shovel, blow, dump or otherwise place snow in any street, highway or alley right-of-way, including sidewalks.

C. And in the event that the owner or occupant of any premise within this Village violates the provisions of subsection (A) of Section 11.12.010, the Village Department of Public Works will remove the same at the expense of the owner of said parcel, keep an accurate account of said work, certify the same to the Village Clerk/Treasurer who will notify the land owner. If the expense is not paid, the Village Clerk/Treasurer shall extend the said amount so certified on the tax roll against respective parcels of land.

(Ord. 2003-11-1 (part)).

#### **11.12.020 Snow And Ice.**

The owner or occupant of every lot or parcel of land abutting a public sidewalk within the Village, shall keep said sidewalk clear of snow and ice and shall remove any snow and ice upon the sidewalk within twenty-four (24) hours after same has been deposited or formed on the sidewalk. Any owner or occupant of any lot or parcel of land who shall be in violation of this Section shall pay and be subject to penalty as provided in Section 1.12.010 together with any costs that the Village shall encounter in clearing such sidewalk. Each day of the violation shall be a separate offense. (Ord. 2003-11-1 (part)).

#### **11.12.030 Rubbish And Filth.**

It is the duty of every owner, occupant, agent or person in charge of any premise, improved or vacant, with this Village, that abuts upon any sidewalk, alley, street or road to keep the same free from rubbish, dirt and filth of every kind; and any such person who neglects for a period of twelve (12) hours after any rubbish, filth or dirt of any kind has been deposited or formed upon the sidewalk, alley, street or road upon which said premise abuts to remove the same, shall be subject to penalty as provided in Section 1.12.010.

(Ord. 2003-11-1 (part)).



## Chapter 11.16

### **RIDING OR DRIVING ON SIDEWALKS, PLAYGROUNDS, ATHLETIC FIELDS, OR NONDESIGNATED LOCATIONS**

#### **Sections:**

#### **11.16.010 Riding or Driving on Sidewalks.**

#### **11.16.020 Riding or Driving Upon Playgrounds, Athletic Fields or Public Park Pedestrian Paths.**

#### **11.16.030 Vehicle Operation Prohibited Without Permission.**

#### **11.16.040 Penalty for Violations.**

#### **11.16.010 Riding Or Driving On Sidewalks.**

Any person who rides any motor vehicle or motorized vehicle, including an automobile, motorcycle, snowmobile, all-terrain vehicle or other similar vehicles, or who rides any horse upon or along any of the sidewalks of any of the streets or highways within this Village, shall be subject to penalties as provided in Section 1.12.010. (Ord. 2001-2-1(part); Ord. 98-10-4 § 2 (part)).

#### **11.16.020 Riding or Driving Upon Playgrounds, Athletic Fields or Public Park Pedestrian Paths.**

No motor vehicle or motorized vehicle, including automobiles, motorcycles, snowmobiles, all-terrain vehicles or other similar vehicles, shall be driven upon, and no horse shall be ridden along or across any pedestrian path in any public park, or upon public school grounds, playgrounds or athletic fields, except in designated areas. Rollerblades, roller skates, and skateboards shall also be prohibited on public tennis courts. This Section shall not apply to festivals, parades or other activities when approved by the Village Board. (Ord. 2001-2-1(part); Ord. 98-10-4 § 2 (part)).

#### **11.16.030 Vehicle Operation Prohibited Without Permission.**

No person, firm or organization shall operate or cause to be operated any motor vehicle or motorized vehicle, including an automobile, motorcycle, snowmobile, all-terrain vehicle or other similar vehicles within the Village Limits, in any area, on public or private property not normally designated for such motor vehicle use without the permission of the person in control of such property. (Ord. 2001-2-1 (part)).

#### **11.16.040 Penalty for Violations.**

Any person who violates any provision of this Chapter shall be subject to a penalty of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution. (Ord. 2001-2-1 (part)).

## Chapter 11.20

### INJURING PROPERTY RELATED TO STREETS OR SIDEWALKS\*

#### Sections:

#### **11.20.010 Injuring Property Related To Streets Or Sidewalks.**

\* See also Chapter 9.68, Destruction of Property.

#### **11.20.010 Injuring Property Related To Streets Or Sidewalks.**

Any person or persons, who shall cut, break, tear, deface or otherwise injure a grass plot, flower bed, ornamental or shade tree, shrub, lamppost, signpost or street lamp upon any sidewalk, street, alley, or other public place within the limits of this Village shall be subject to penalty as provided in Section 1.12.010.

(Prior code □ 3.01).

## Chapter 11.24

### DANGEROUS SPORTS IN STREETS\*

#### Sections:

**11.24.010 Dangerous Sports In Streets.**

**11.24.020 Skate Boards.**

\* See also Chapter 9.52, Dangerous Activities.

#### **11.24.010 Dangerous Sports In Streets.**

Any person who engages in any sport or exercise whereby any passenger in or upon any street, alley or public grounds within the limits of this Village shall or may be impeded or endangered or injured, shall be subject to penalty as provided in Section 1.12.010. (Prior code □ 3.05).

#### **11.24.020 Skate Boards.**

No person shall ride any device commonly known as a skate board or device of similar design on any public street, alley, sidewalk, park, parking lot or other public grounds, nor shall any person ride a skateboard or device of similar design on any privately owned parking to the general public without the express approval of the owners. (Ord. 90-5-3).

## Chapter 11.28

### TREES\*

#### Sections:

**11.28.010 Permit Required To Plant On Public Ground.**

**11.28.020 Planting Permit Issuance.**

**11.28.030 Permit Required To Cut On Public Ground.**

**11.28.040 Penalty For Violations Of Sections 11.28.010, 11.28.020 And 11.28.030.**

**11.28.050 Village May Remove Violations.**

**11.28.060 Land Owner's Responsibility.**

**11.28.070 Nuisances Declared.**

**11.28.080 Nuisances Prohibited.**

**11.28.090 Nuisance Abatement.**

**11.28.100 Penalty For Violations Of Sections 11.28.070 Through 11.28.090.**

\* See also Title 8, Health and Safety.

#### **11.28.010 PERMIT REQUIRED TO PLANT ON PUBLIC GROUND.**

No person shall set out or plant any tree in any of the public streets, highways or other public grounds of said Village without the written permit of the street commissioner as hereinafter provided for. (Prior code □3.14).

#### **11.28.020 Planting Permit Issuance.**

The Street Commissioner shall grant written permit to all persons to set out and plant seedling or grafted elm trees upon the public streets, highways or public grounds of said Village, in accordance with the plan for planting of shade trees upon public streets, highways or other public grounds of said Village heretofore or hereafter adopted by the Village Board and as hereafter amended, upon written application by the owner of said premises abutting the street, highway or other public grounds upon which said trees are to be planted. Such application shall contain the agreement upon the part of the owner to plant only seedling or grafted elm trees, to abide by the lawful rules, regulations and orders of said Village respecting the planting, preserving and caring for shade trees of said Village. (Prior code □ 3.15).

#### **11.28.030 Permit Required To Cut On Public Ground.**

No person shall cut down or in any manner destroy or injure any living shade tree upon any public street, highway or other public ground in said Village, without a permit therefor from the street, road and park committee of said Village. (Prior code □ 3.16).

#### **11.28.040 Penalty For Violations Of Sections 11.28.010, 11.28.020 Or 11.28.030.**

Any person or persons who violate any of the provisions of Sections 11.28.010, 11.28.020 or 11.28.030 shall be subject to penalty as provided in Section 1.12.010. (Prior code □ 3.17).

#### **11.28.050 Village May Remove Violations.**

The Village Board may summarily cause to be removed any tree planted in violation of this Chapter. (Prior code □ 3.18).

#### **11.28.060 Land Owner's Responsibility.**

Every owner of real estate is required to trim off and remove all dead branches of trees upon his land and upon any street or highway abutting his land at least once every calendar year, and to remove from any street

or highway abutting his land any dead tree within one (1) year after its death, and any person violating this Section shall be subject to penalty as provided in Section 1.12.010. (Prior code □ 3.22).

**11.28.070 Nuisances Declared.**

The Village Board, having determined that the health of elm trees within the Village is threatened by a fatal disease known as “Dutch Elm Disease”, declares the following to be public nuisances:

A. Any living or standing elm tree or part thereof infected with Dutch Elm Disease fungus, or which harbors any of the Dutch Elm Disease bearing bark beetles;

B. Any dead elm trees or part thereof, including logs, branches, stumps or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide. ((1) of Ord. passed 12/14/59).

**11.28.080 Nuisances Prohibited.**

No person, firm or corporation shall permit any public nuisance as defined in Section 11.28.070 to remain on any premises owned or controlled by him within the Village. ((2) of Ord. passed 12/14/59).

**11.28.090 Nuisance Abatement.**

A. If it shall be determined by the Village Board or its representative that any public nuisance as herein defined exists in or upon any public street, alley, park or other place, including any land between the edge of a traveled road or curb and lot line and that the danger to other trees within the Village is imminent, the Village Board or its representative shall immediately cause it to be removed and burned or otherwise abate the same in such manner as to destroy or prevent the spread of Dutch Elm Disease.

B. If it shall be determined that any public nuisance as herein defined exists in or upon private premises and that the danger to elm trees within the Village is imminent the Village Board or its representative shall immediately serve upon the owner of such property, if he can be found, or upon the occupant thereof, a written notice to abate such nuisance within ten (10) days from the date of such notice. If such owner or occupant does not abate said nuisance within the time limited the Village Board or its representative, shall cause the same to be abated.

C. The entire cost of abating any public nuisance as defined in Section 11.28.070 may be chargeable to and assessed against the parcel or lot abutting on the street, alley or boulevard or parkway upon or in which such tree is located, or the parcel or lot upon which such tree stands. The cost of abating any such nuisance which is located in or upon any park or other public grounds not including the terrace or land lying between the lot line and traveled roadway or curb shall be borne by the Village.

D. A separate account of the cost of work done under this Chapter shall be kept and shall be reported monthly to the Village Clerk/Treasurer. The Village Clerk/Treasurer shall report to the Village Board the aggregate amount chargeable to each lot or parcel and such amounts shall be levied and assessed against said parcels in the same manner as other special taxes. ((3) of Ord. passed 12/14/59).

**11.28.100 Penalty For Violations Of Sections 11.28.070 Through 11.28.090.**

Any person, firm or corporation which violates any of the provisions of Sections 11.28.070 through 11.28.090 shall, upon conviction thereof, be subject to penalty as provided in Section 1.12.010. ((4) of Ord. passed 12/14/59).

## Chapter 11.32

### SPILLING LOADS IN STREETS

#### Sections:

#### **11.32.010 Spilling Loads In Streets.**

#### **11.32.010 Spilling Loads In Streets.**

No person or persons shall carry or transport any coal, stone, brick, ashes, sand, dirt, manure, garbage or any rubbish or other substance whatsoever in a wagon or other vehicle of any kind, on any street, alley or other public ground in said Village, unless the same shall be so constructed as to prevent the contents thereof from falling therefrom during the transportation thereof; any person or persons violating any of the provisions of this Section shall be subject to penalty as provided in Section 1.12.010. (Prior code □ 10.13).

## Chapter 11.36

### DATUM PLANE, STREET GRADES AND SIDEWALK GRADES\*

#### Sections:

#### **11.36.010 Benchmark.**

\* Descriptions of the various items contained in this Chapter are available from the Village Clerk/Treasurer.

#### **11.36.010 Benchmark.**

A. The Village benchmark shall be a chiseled square cut on the south side of the base of the flag pole at 108 East Main Street. This square is located one hundred thirty-five (135) feet easterly of the center of Section 21, Town 1 North, Range 19 East, Kenosha County, Wisconsin; said section center is at the intersection of Main Street and Burlington Avenue.

B. This benchmark shall be considered to be one hundred twenty and thirty-three hundredths (120.33) feet above an assumed datum plane. All engineering and elevation work done hereafter in the Village shall be by reference to this datum plane. (Note: Mean sea level datum plane is seven hundred eleven and fifty-five hundredths (711.55) feet below the assumed Village datum plane mentioned above.)

(Part of Ord. passed 9/27/73).