

# Chapter 10 - STREETS

## ARTICLE I. - IN GENERAL

### Sec. 10-1. - Obstructions.

Except as otherwise provided, it shall be unlawful for any person to obstruct any street.

### Sec. 10-2. - Excavations near streets.

No owner or occupant of any lot shall permit any excavation to be made on such lot sufficiently near to the street as to endanger such street by undermining it without constructing and installing proper shoring so as to prevent such undermining. In addition to all penalties provided by law, any person violating the provisions of this section shall be liable to the village for the damage done to the street.

### Sec. 10-3. - Working on, improving or disturbing streets or alleys.

(a) *Prohibited without permit.* It shall be unlawful and punishable as hereinafter provided for any person, partnership, corporation or other entity, excepting the village and their agents and employees, to do any work on or to accomplish any improvement in or otherwise disturb any street or alley of the village without first obtaining a work permit from the city clerk.

(b) *Application for permit.* In order to obtain a work permit from the clerk, the applicant shall present a written application describing in detail the nature, type and extent of the work proposed on any street or alley and the type of materials which will be involved therein. Said application shall be submitted to the director of public works of the village for review and approval. If such application is approved by the director of public works, then the city clerk is authorized and directed to issue a permit for the performance of such work on forms to be provided by the clerk. No fee shall be required for the issuance of such permit.

(c) *Violation, penalty.* Any person, partnership, corporation or other entity performing work or operations on village streets or alleys of the village without having first obtained a permit as hereinabove provided for shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

### Sec. 10-4. - Vehicle entrances from private property to streets and alleys.

(a) *Permit required, application to village board.* No person shall construct any entrance leading from private property to any street or alley of the village without first making a written application to the village board of the village for permission to construct such entrance. Such application shall be made to the village on forms provided for that purpose by the village clerk. Such applications shall be accompanied by a plat drawn to scale showing in detail the location of and the details concerning the proposed street or alley entrance.

(b) *Design specifications.* Vehicle entrances to a street or alley from a residence premises shall be at least twelve (12) feet wide. A vehicle entrance to a street or alley from a retail business location shall not exceed thirty-five (35) feet in width. A vehicle entrance to a street or alley from an industrial enterprise shall not exceed fifty (50) feet in width. In event an application is for two (2) or more such entrances, the same shall be separated by a curb or other barrier by a distance of at least five (5) feet.

(c) *Fee.* The cost to install the first vehicle entrance (culvert) to a street or alley of the village shall be borne one-half (1/2) by the Village and one-half (1/2) by the resident(s) desiring said culvert, unless said culvert is part of a new home or garage allowed under a permit. Said rule shall only apply to the first culvert that is so constructed. The cost of any additional culvert(s) shall be borne entirely by the resident(s) desiring said culvert(s).

(d) *Violation, penalty.* Any person who installs a vehicle entrance to a street or alley of the village without first obtaining permit as hereinabove provided for shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty five (\$25.00) nor more than one hundred dollars (\$100.00).

#### Sec. 10-5. - Blocking or obstructing streets or alleys.

(a) It shall be unlawful and punishable as hereafter provided to cause any street or alley to be blocked or obstructed by any means or in any manner whatsoever so as to interfere with or impede the normal use thereof for pedestrian or vehicular purposes. However, the provisions hereof shall not apply to duly authorized employees of the village in performing repair, maintenance or replacement functions in connection with the regular repair, maintenance or replacement of facilities furnished by said entities for the benefit of the public or adjacent landowners.

(b) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

## ARTICLE II. - EXCAVATIONS

### Sec. 10-6. - Permit required.

No person shall injure or tear up any pavement, dig any hole, ditch or drain in or dig or remove any soil, stone, earth, sand or gravel from any street, public alley or public ground in the village without having first obtained a written permit from the village clerk, given in accordance with the provisions of this article.

### Sec. 10-7. - Permit fee.

Before a permit shall be issued to any person to open or make an excavation in any street, sidewalk, public alley or public place, such person shall pay to the village such fee as may be established by the corporate authorities.

### Sec. 10-8. - Bond.

No permit shall be issued to any person permitting or allowing the opening or the making of an excavation in any street, sidewalk, public alley or public place, or any part thereof, until the person making application for such permit shall have first executed to the village a good and sufficient bond up to the sum of five thousand dollars (\$5,000.00) per opening, with sureties to be approved by the president or the village board, conditioned to indemnify and keep harmless the village from any and all loss, cost, damage, expense or liability of any kind whatsoever, which the village may suffer or to which it may be put or which may be recovered from it from or on account of the issuance of such permit or from or on account of any act or thing done by virtue of the authority given in such permit or by reason of careless or improper guarding of said openings or excavations or for any damage, loss or expense to any person caused by or on account of the obstruction of any street, sidewalk or public alley, or public place, or the tearing up, repairing or removing of such street, sidewalk, public alley or public place, or part thereof. A bond shall be filed each year for the openings or excavations to be made during that year, which said year shall commence on the first day of May and end on the last day of April.

### Sec. 10-9. - Information required for permit issuance.

The village clerk shall not issue any permit for the purposes set forth in this article until she shall have been fully advised of the time, place and character of such opening and the purpose thereof.

### Sec. 10-10. - Interference with traffic or property.

The holder of a permit issued pursuant to this article shall take all appropriate measures to assure that during the performance of the excavation work traffic conditions shall be maintained as nearly normal as practical at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public.

[Sec. 10-11. - Fire hydrants.](#)

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants. Materials or obstructions shall not be placed within fifteen (15) feet of fire plugs.

[Sec. 10-12. - Drainage.](#)

The holder of a permit issued pursuant to this article shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall make provision to take care of all surplus water, muck, silt, slickings or other run-off pumped from excavation or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

[Sec. 10-13. - Preparation for backfilling.](#)

Upon completion of the excavation and prior to any backfilling by the village, the holder of a permit issued pursuant to this article shall prepare for cradling and enclosures of the tiling by first backfilling the trench to a height of eighteen (18) inches of compacted dirt. The permittee shall then lay the tile on the eighteen (18) inches of compacted dirt, subject to the inspection and approval of appropriate village officers.

[Sec. 10-14. - Backfilling and maintenance.](#)

After the appropriate officer or employee has determined that [section 10-14](#) of this Code has been complied with in all respects, the village shall then assume the responsibility of backfilling the entire excavation and the village shall thereafter maintain said street cut.

[Sec. 10-15. - Inspections; rules and regulations.](#)

Appropriate village officers and employees shall make such inspections as are reasonably necessary to enforce this article. Said officials shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article.

## ARTICLE IV. - VISUAL OBSTRUCTIONS

### Sec. 10-16. - Definitions.

When used in this article, the following terms shall mean as follows:

*Commercial exit:* Any vehicular exit from any automobile service station, shopping center, store, medical or professional center, or other similar public place.

*Critical visibility zone:* The area within which the presence of obstructions to vision such as trees, shrubbery and signs could prevent the driver of a motor vehicle which is stopped behind the stop line of any street, highway, alley or commercial exit at its intersection with any other street or highway from seeing any other vehicle which is approaching on the intersection street or highway and is within two hundred (200) feet of the intersection.

*Shrubbery:* Any bush, hedge, flowering or ornamental plant, weed growth, low-growing evergreen or other form of vegetation.

*Sign:* Any temporary or permanent structure, banner, pennant or string of pennants, used for advertising or decorative purposes.

*Stop line:* The actual obedience line if there be one. If there is none, one shall be assumed to exist four (4) feet before the nearest edge of the intersecting street or highway.

*Tree:* A large, woody, perennial plant having a clearly recognizable trunk.

### Sec. 10-17. - Signs.

It shall be unlawful for any person to place or cause to be placed in any critical visibility zone any sign of which any part thereof is higher than thirty-six (36) inches above grade level, unless the lowest portion of the sign exclusive of a supporting structure no wider than twelve (12) inches in its greatest dimension is at least eight (8) feet above grade level.

### Sec. 10-18. - Trees.

It shall be unlawful for any person owning or controlling property to cause or permit any tree within any critical visibility zone to remain untrimmed below a height of nine (9) feet above the ground, or to permit any shrubbery within any critical visibility zone to grow to a height greater than thirty-six (36) inches above ground.

### Sec. 10-19. - Obstruction to traffic signs or signals.

It shall be unlawful for any person owning or controlling property to permit the foliage of any tree or shrubbery growing on said property to obscure any driver's view of any lawfully placed stop sign or traffic-control signal during any part of the last two hundred (200) feet of his approach to said sign or traffic-control device.

Sec. 10-20. - Fences.

No person shall construct a solid fence greater than three (3) feet in height within fifteen (15) feet of the corner of any street intersection.

Sec. 10-21. - When person subject to penalty.

Any person violating any section of this article shall, upon receipt of official notification from the village that a violation has taken place, correct the cause of the violation within fourteen (14) days from the date of notification, or be subject to the penalties provided by this Code.

## **ARTICLE V. - PEDESTRIANS SOLICITING RIDES OR BUSINESS**

### **Sec. 10-22. - Soliciting a ride.**

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

### **Sec. 10-23. - General roadway solicitations.**

No person shall stand on a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

### **Sec. 10-24. - Soliciting contributions.**

No person shall stand on a roadway for the purpose of soliciting contributions from the occupant of any vehicle except when expressly permitted by this Code. The soliciting agency shall be:

(1) Registered with the Attorney General of the State of Illinois as a charitable organization as provided by "an Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, providing for violations thereof, and making an appropriation therefore (225 ILCS 460/1 et. seq.);

(2) Engaged in a state-wide fund raising activity;

(3) Liable for any injuries to any person or property during the solicitation which is causally related to an act or ordinary negligence of the soliciting agent; and

(4) In possession of a permit issued by the Village Clerk of the Village of Mapleton allowing such solicitation.

Any person engaged in the act of solicitation shall be sixteen (16) years of age or more and must be accompanied by at least one (1) adult at each intersection where solicitation is allowed. Each participant of an organization in the solicitation event must wear a bright colored vest or jacket together with an easily recognizable badge or other symbol from which the organization for which they solicit can be easily recognized by a driver or passenger in a motor vehicle. Charitable solicitations from motor vehicles shall only occur between the hours of 9:00 a.m. and 4:00 p.m. on Friday and between 8:00 a.m. and 12:00 noon on Saturday and shall occur only at intersections as set forth in this article.

### **Sec. 10-25. - Indemnification of city; insurance.**

Any organization seeking to secure a permit for charitable solicitation shall present evidence or indemnification satisfactory to the corporate authorities of the Village of Mapleton that the village will incur no liabilities for injuries resulting directly or indirectly from the granting of a permit.

Sec. 10-26. - Application for a permit.

A permit to conduct charitable solicitation as set forth in this article shall be granted by the Village Clerk of the Village of Mapleton only after application for such permit is filed with the village clerk not less than thirty (30) days prior to the initiation of the proposed charitable solicitations campaign. Such application shall be sworn to by the applicant and shall contain the following information:

- (1) The full name of the organization applying for a permit to solicit and the address of the organization.
- (2) Names and addresses of all officers and directors or trustees of the organization.
- (3) Purpose or purposes for which the gross receipts derived from such solicitations are to be used.
- (4) Name and address of the person or persons who will be in charge of conducting the charitable solicitations campaign.
- (5) The date or dates on which such charitable solicitations campaign shall be conducted.
- (6) If the applicant is a corporation, a copy of its charter or articles of incorporation from its date of incorporation.
- (7) Proof of registration with the attorney general as a charitable organization as provided in 225 ILCS 460/1 et seq.

Upon receipt of a proper application as provided in this section, the village clerk shall issue the permit applied for unless the village clerk shall determine that one (1) or more of the following facts exist:

1. When one (1) or more of the statements made in the application are not true.
2. The applicant does not have a good character or reputation for honesty and integrity, or if the applicant is not an individual person, then that any managing officer or agent of the applicant does not have good character or reputation for honesty and integrity.
3. That the control and supervision of the solicitations will not be under responsible reliable persons.
4. The applicant has engaged in a fraudulent transaction or enterprise.
5. Solicitations would constitute a fraud on the public.
6. That the solicitations are not prompted solely by a desire to finance a charitable cause described in the application and would be conducted for private profit or gain.

7. The applicant has failed to comply with sections 10-25 or 10-26 of the Mapleton Village Code.

[Sec. 10-27. - Penalty for violating ordinance.](#)

Any person, company or corporation violating any of the provisions of this ordinance, upon conviction, shall be fined not less than Fifty (\$50.00) Dollars nor more than Seven Hundred and Fifty (\$750.00) Dollars for each offense and shall be liable to a like penalty for each and every day such business shall be continued after such conviction.