

Chapter 139
STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Board of Trustees of the Village of Wilson: Art. I, 11-5-1945; Art. II, 11-5-1945; Art. III, 11-5-1945; Art. IV, 5-19-1959; Art. V, 11-5-1945. Amendments noted where applicable.]

GENERAL REFERENCES

Moving of buildings — See Ch. 50.
Numbering of buildings — See Ch. 53.

Vehicles and traffic — See Ch. 158.

ARTICLE I
Excavations
[Adopted 11-5-1945]

- § 139-1. General provisions. [Amended 6-4-1951]

No person shall dig or cause to be dug into, through or across any street, public alley, sidewalk or public ground in the village any trench, ditch or other opening for any purpose without first obtaining the written consent of the Village Board therefor, or, in the case of a state highway, from the State Superintendent of Public Works; and the Village Board, as condition of issuing

such permit, may require the applicant to furnish a surety company bond to the village in the amount of five thousand dollars (\$5,000.), conditioned to save the village harmless from any and all claims arising from any such excavation. All such excavations and all machinery and tools used in connection therewith shall at all times be under the jurisdiction of the Superintendent of Streets and shall at all times be carefully and properly guarded and lighted at night with red lights.

§ 139-2. Penalties for offenses.¹

A violation of this Article shall be punishable, upon conviction, by a fine or imprisonment, or both, as provided in Chapter 1, General Provisions, Article II.

ARTICLE II
Sidewalk Construction
[Adopted 11-5-1945]

§ 139-3. Permit required.

No person shall construct, alter or repair any sidewalk or crosswalk in the village without first obtaining a permit therefor from the Board of Trustees, and any such construction, alteration or repair shall be done in accordance with the instructions therefor issued by the Board or its representative.

§ 139-4. Duty of owner or occupant.

It shall be the duty of every owner and occupant of any premises fronting on any public street or ground to keep the sidewalks in front of the same in good order and repair, and such owner or occupant shall not allow any accumulation of refuse or material to remain thereon.

§ 139-5. Warning equipment required.

It shall be the duty of every person or corporation repairing or building a sidewalk to properly barricade the same and to maintain red lights thereon at night at each end of the construction, sufficient to warn pedestrians thereof.

§ 139-6. Required construction or repair; costs; specifications.

A. If, in the opinion of the Village Board, the Mayor or the Superintendent of Streets, a sidewalk is required to be constructed, a notice specifying the place and manner of such construction must be served on the owner of the adjoining land, either personally or by registered mail, requiring such owner to construct the same within ten (10) days after the service of such notice.

¹ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- B. If, in the opinion of the Village Board, the Mayor or the Superintendent of Streets, any sidewalk should be altered or repaired, a notice specifying the place and manner of alteration or repair must likewise be served on the owner of the adjoining land, either personally or by registered mail, requiring such owner to alter or repair the same within twenty-four (24) hours after the service of such notice.
- C. If, after the expiration of ten (10) days after the service of any notice as aforesaid to construct such sidewalk and after the expiration of twenty-four (24) hours after the service of any such notice to alter or repair any such sidewalk, the same is not constructed, altered or repaired pursuant to such notice, the Village Board may cause the same to be constructed, altered or repaired and assess the expense thereof on the adjoining land, and the expense thereof shall be a lien and charge against said premises and assessed against the same in the next succeeding village tax roll and collected as a part of the village tax against such premises for that year.
- D. All sidewalks shall be constructed of the following materials and proportions: one to two to four (1:2:4), i.e., one (1) part cement, two (2) parts sand and four (4) parts screened gravel.
- E. The minimum width of all sidewalks shall be four (4) feet and the minimum thickness shall be four (4) inches. If the Village Board deems it necessary to construct sidewalks thicker than four (4) inches or wider than four (4) feet in driveways, the owner of the adjoining premises shall be required to construct the same of such thickness and width as may be ordered by the Village Board.
- F. The mixture must be worked so as to bring fine aggregate to the top and then be finished by troweling and made with a template and be brushed with a hairbrush across the walk to prevent the surface from being slippery.

§ 139-7. Penalties for offenses.²

A violation of this Article shall be punishable, upon conviction, by a fine or imprisonment, or both, as provided in Chapter 1, General Provisions, Article II.

ARTICLE III
Snow and Ice Removal
[Adopted 11-5-1945]

§ 139-8. Snow, ice or water falling from buildings.

No person shall permit any snow, ice or water to fall upon any public street or sidewalk from any building owned, leased or occupied by such person.

² Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 139-9. Removal from sidewalks.

No person shall permit any snow or ice to remain upon any public sidewalk in front or in the rear or at the side of any premises owned, leased or occupied by such person for a longer period of time than one (1) hour after 9:00 a.m. following the day or night in which such snow or ice fell or accumulated.

§ 139-10. Removal by village; costs.

Whenever the owner or occupant of any premises fails to remove snow, ice, dirt or other obstructing matter from the sidewalk in front of the same before 10:00 a.m. following the day or night in which said snow, ice, dirt or other obstruction accumulated thereon or within one (1) hour after notice in writing from any member of the Village Board or the Village Clerk to remove the same, it shall be the duty of any member of the Board or the Clerk to order the removal of such snow, ice, dirt or other obstruction from such sidewalk, and the expense of such removal shall be a lien and charge upon the adjoining premises and assessed against such premises in the next succeeding village tax roll and collected as a part of the village tax for that year on said premises.

§ 139-11. Penalties for offenses.³

A violation of this Article shall be punishable, upon conviction by a fine or imprisonment, or both, as provided in Chapter 1, General Provisions, Article II.

ARTICLE IV
Notification of Defects
[Adopted 5-19-1959]

§ 139-12. General provisions.

- A. No civil action shall be maintained for damages to person or property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, bridge, culvert or public building or in consequence of any obstruction, danger or defect whatsoever in or upon any sidewalk, crosswalk, street, bridge, culvert or public building or any other village property, unless written notice thereof, relating to the particular nature of such damage, obstruction or defect and the particular location of such damage, obstruction or danger, was actually presented in writing to the Village Clerk and there was a failure or neglect to cause such snow or ice to be removed or the said danger, obstruction or defect to be removed or corrected within a reasonable time after the receipt of such notice.
- B. Where the defect, want of repair or obstruction of any highway, street, alley, bridge, sidewalk or crosswalk is caused in whole or in part by any independent contractor, said contractor must be made a party defendant to any action brought against the village to recover damages by reason of such defect.

³ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- C. Nothing contained in this section shall be held to repeal or modify any requirement or statute of limitations which is applicable to this class of actions, but, on the contrary, shall be held to be an additional requirement for the right to maintain such action.
- D. Nothing contained in this section shall be held to modify any existing rule of law relative to the question of contributory negligence nor to impose upon the village any greater duty or obligation than that it shall keep its streets and public places in a reasonably safe condition for public use and travel.

§ 139-13. Penalties for offenses.⁴

A violation of this Article shall be punishable, upon conviction, by a fine or imprisonment, or both, as provided in Chapter 1, General Provisions, Article II.

ARTICLE V
Signs and Merchandise on Sidewalks
[Adopted 11-5-1945]

§ 139-14. General provisions.

No person, persons or corporation shall place any advertising sign or place any merchandise for sale on any sidewalk which shall extend more than three (3) feet from the outside of any building abutting thereon.

§ 139-15. Penalties for offense.⁵

A violation of this Article shall be punishable, upon conviction, by a fine or imprisonment, or both, as provided in Chapter 1, General Provisions, Article II.

⁴ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

