

CHAPTER 5
STREETS AND SIDEWALKS

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ARTICLE 1 - GENERAL PROVISIONS

5.1.01. SUPERVISION

All public streets, sidewalks and other public ways in the City shall be under the supervision of the Superintendent of Public Works. He shall be charged with the enforcement of all provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinances.

5.1.02. CONSTRUCTIONS

It shall be unlawful to construct or lay any pavement on any public street, sidewalk, or other public way, or to repair the same, without first having secured a permit in accordance with the provisions of Chapter 14 of the Municipal Code.

All street and sidewalk pavements shall be in conformity with the requirements of Chapter 17 of the Municipal Code.

5.1.03. BOND

Each applicant shall file a bond in the amount of five thousand dollars (\$5,000.00) with surety to be approved by the Council, conditioned to indemnify the municipality for any loss or damage resulting from the work undertaken or the manner of doing the same.

5.1.04. INJURY TO NEW PAVEMENTS

It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft newly-laid pavement.

5.1.05. REPAIRS AND DEFECTS

All public streets and sidewalk pavement shall be kept in good repair. Such repair work, whether done by the City or by the abutting owner, shall be under the supervision of the Superintendent of Public Works.

5.1.06. OBSTRUCTION

It shall be unlawful for any person, firm or corporation to cause, create or maintain any obstruction of any street, sidewalk or public way, except as may be specifically authorized by ordinance.

5.1.07. BARRICADES

Any person, firm or corporation laying or repairing any pavement on a street, sidewalk or other public place, or making an excavation in any such place, or maintaining any opening or excavation in any such place, shall maintain suitable

barricades to prevent injury to any person or vehicle by reason of the work; such barricades shall be protected by lights at night-time; any defects in any such pavement shall be barricaded to prevent any injury to persons or property and shall be the responsibility of the Superintendent of Public Works.

5.1.08.

PRIVATE USE

It shall be unlawful for any person, firm or corporation to use any street, sidewalk or other public place, as space for the display or sale of goods or merchandise; or to write or mark any signs or advertisements on any such pavements.

5.1.09.

ENCROACHMENTS

It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

5.1.10.

DEPOSITS ON STREETS

It shall be unlawful to deposit on any street any material which may be harmful to the pavement thereof, or any waste materials, or any glass, or other articles which may bring injury to any person, animal or property.

Lawful materials may be deposited in streets preparatory to delivery or use provided such deposit does not reduce the usable width of roadway at that point to less than eighteen (18) feet and provided that such material shall not be permitted to remain on such street for more than twenty-four (24) hours. Garbage, refuse and ashes may also be deposited as provided by that Section of this City Code relating to garbage, refuse and ashes.

Any such material, other than garbage, refuse and ashes, shall be guarded by lights if the same remains upon any street after nightfall.

5.1.11.

DEPOSITS ON SIDEWALKS

It shall be unlawful to deposit on any public sidewalk any material other than merchandise or articles intended for immediate delivery into the adjacent premises.

5.1.12.

DRAINS

It shall be unlawful to obstruct any drain in any public street; further, it shall be unlawful to dispose of any depositing in or upon any sidewalk, street or gutter, any organic or inorganic material which may obstruct an aforementioned drain.

5.1.13.

POLES AND WIRES

It shall be unlawful to erect or maintain any poles or wires on or over any public street, or other public way, without having first secured permission from the Council.

This Section shall not apply to any public utility which has entered into prior agreements with the City for said type of construction.

5.1.14.

EXCAVATIONS

It shall be unlawful to make any excavation in or tunnel under any public street, sidewalk or other public place in the City without having first secured a permit therefore. Applications for such permits shall be made to the City Clerk, and shall specify the intended location and purpose of the excavation. Such permit shall be issued by the Superintendent of Public Works.

Any person making any such excavation shall refill the same properly and shall restore the surface to its condition before the excavation was made, as soon as possible. All such excavations, refills and resurfacing shall be made subject to the supervision and direction of the Superintendent of Public Works.

5.1.15.

STREET OPENINGS

- A. No person shall excavate in or tunnel under any street pavement, roadway right-of-way, sidewalk, crosswalk, alley, parkway, or any part thereof without first having secured a proper permit from the Superintendent of Public Works.
- B. No permit as specified in this Section shall be issued unless the applicant shall first have deposited with the City Clerk a bond in the penal sum of \$3,500 with surety conditioned to indemnify the City from any and all costs occasioned by the failure of the applicant properly to replace said pavement, roadway right-of-way, sidewalk, crosswalk, alley, parkway, or parts thereof, to the same condition as existed prior to the commencement of the work authorized in the permit. Furthermore, no permit shall be issued unless the applicant shall first have filed with the City Clerk a Certificate of Civil Liability, in the sum of \$100,000 per person, \$300,000 per occurrence, and \$25,000 property damage and all costs, expense or liability of any liability of any kind whatsoever which the City may suffer, or be put, or which may be recovered from it by reason of the issuance of such permit.
- C. Whenever any street, pavement, roadway right-of-way, sidewalk crosswalk, alley, parkway, or part thereof, is damaged or disturbed by the erection or alteration of any building abutting thereon by reason of the construction there, or placing underground utilities, such as sanitary sewers or water mains, the same shall be restored to a condition as good and serviceable as prior to the beginning of the work by and at the expense of the owner of the building involved, or his contractor, or the owner of the utility involved, or his contractor.
- D. Any person to whom a building or street opening permit is issued, shall erect and maintain such substantial and suitable fences, railings, or barricades, to

guard all excavations, embankments or obstructions along or in any street, roadway right-of-way, sidewalk, crosswalk, alley or parkway abutting upon or adjacent to such lot or tract as the Building Commissioner deems necessary for the protection of the lives and limbs of the public; and, shall place and maintain proper and sufficient red lights or lanterns to protect the public during hours of darkness. Such lights shall be placed at each end of every such obstruction or excavation, and at intervals of not more than 23 meters (75 feet) along same.

- E. It shall be unlawful for any person without legal cause to remove, extinguish, diminish, or disturb such lights, or remove or disturb such barricades.

5.1.16. BARBED WIRE FENCES, ETC.

It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire or with any similar material designed to cause injury to persons, or any wire charged with electric current.

ARTICLE 2 - DRIVEWAYS

5.2.01. PERMIT REQUIRED

No person, firm or corporation shall construct or make additions to a driveway for vehicles or animals across any sidewalk or entering into any street right-of-way in the City without having obtained a permit therefore.

Applications for such permits shall be made to the City Clerk. Applications for permits for construction of driveways for commercial or manufacturing use in areas zoned as commercial shall be accompanied by a fee of \$25.00. Such permit shall be issued by the Superintendent of Public Works, and all such work shall be subject to the supervision and directions of the Superintendent of Public Works.

No permit for the construction of a driveway for commercial use, or the habitual use of any other than the owner or occupant of the premises served, shall be issued except upon the order of the Council.

5.2.02. GRADE SURFACE

No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction, in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk.

It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery and hazardous for pedestrians, or to have the grade of such portion vary from the grade of the sidewalk, or be other than level.

5.2.03. MATERIALS

Driveways across sidewalks shall be constructed of concrete.

5.2.04. REPAIR

It shall be the duty of every person maintaining a driveway to keep the same in good repair where it crosses the sidewalk, and free from obstruction and openings.

5.2.05. BOND

No permit for the construction of a commercial driveway, or driveway for the habitual use of the public or any other than the owner or occupant of the premises served, across any public sidewalk shall be issued, and no such driveway shall be maintained unless there is first filed with the City Clerk a bond in the sum of five thousand dollars (\$5,000.00) with sureties to be approved by the Council, conditioned to indemnify the City for any loss, damage or liability suffered or incurred by reason of the existence, construction or use of such driveway.

5.2.06.

ELIMINATION OF UNPAVED DRIVEWAYS

All unpaved driveways in the City shall be paved in accordance with the standards of the City's Subdivision Regulations upon the occurrence of the lease, sale or other ownership transfer of the property with an unpaved driveway.

No real estate transfer stamps shall be issued by the City Clerk until such time as the Building Commissioner certifies that the driveway is paved. If weather conditions or other unavoidable circumstances prevent the driveway from being paved by closing of the sale, the Clerk shall issue transfer stamps only if the seller and/or buyer (i) post a cash bond with the City equal to 125% of the estimated driveway construction cost and (ii) execute an agreement whereby the buyer agrees to perform such work by date certain (in which case the bond will be returned to the buyer), and authorizes the City or its contractors to enter upon the property for purposes of performing the work in the event buyer fails or refuses to perform such work after a 30-day written notice from the City to do so.

ARTICLE 3 - TREES AND SHRUBBERY

5.3.01.

DEFINITIONS

- A. STREET TREES: “Street trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.
- B. PARK TREES: “Park trees” are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.
- C. CITY TREE SUPERINTENDENT: There is, hereby, created and established a City Tree Superintendent for the City of Country Club Hills. The Superintendent of Public Works shall serve as the City Tree Superintendent.

5.3.02.

DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree Superintendent to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs along streets and in other public areas. Such a plan will be presented annually to the City Council and upon their acceptance and approval, shall constitute the official comprehensive City Tree Plan for the City of Country Club Hills. The Superintendent, when requested by the City Manager, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

5.3.03.

PLANTING

It shall be unlawful to plant a tree or shrub within a public street or parkway without first having secured a permit therefore. Applications for such permits shall be made to the City Clerk and shall be referred to the Tree Superintendent before issuance. All trees and shrubs so planted shall be placed subject to the directions and approval of the Tree Superintendent.

All plantings shall be governed by the following:

- A. It shall be unlawful to plant any trees or shrubs that would obstruct, become a general nuisance or in any way hamper traffic or views thereof.
- B. Poplar, Cottonwood, Russian Olive, Fruit Trees and other trees not recommended for planting by the Morton Arboretum shall not be permitted.
- C. Trees which should be planted more often include Black Maple, Blue Ash, White Oak and European Beech. Silver Maple, Chinese Elms and similar varieties, shall be used only when approved, and shall be alternately planted

with hardwood trees.

- D. Trees shall be spaced evenly along all public streets at forty (40) foot intervals where permissible and no closer than thirty (30) feet. Corner trees shall be placed at least forty (40) feet from intersections. All trees shall be placed at least twenty (20) feet from fire hydrants.
- E. All trees shall be planted at least four (4) feet from the edge of the street or equidistant from sidewalk and street or curb.
- F. In newly developed areas where the developer is planting the trees, one softwood or conifer tree and one hardwood tree shall be allowed per lot or alternate lots, whichever meets the distance apart requirements, preventing sections of the City having all softwood or all conifer trees therein.

5.3.04.

MAINTENANCE

All trees shall be maintained in a healthy state (alive, disease and insect free) by the property owner.

All foliage, branches and suckers of trees shall be pruned to a height of eight (8) feet from street level or ground level, whichever is greater.

All diseased or dead trees shall be removed by the owner at his expense when tree is so designated by the Tree Superintendent or his duly authorized agents.

If any of the above is not maintained as indicated, the Tree Superintendent, upon proper notification, shall remove, trim or spray or cause to be removed, trimmed or sprayed to correct said infringements of the above, at the owner's expense.

5.3.05.

REMOVAL

It shall be unlawful to remove or cut down any tree or shrub in any such public place without having secured a permit therefore. Applications for such permits shall be made to the City Clerk and approved by the Tree Superintendent before issuance.

5.3.06.

INJURY

It shall be unlawful to injure any tree or shrub planted or growing in any such public place.

5.3.07.

ADVERTISEMENTS OR NOTICES

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any such public place.

5.3.08.

UTILITIES

It shall be unlawful to attach any wire or rope to any tree or shrub in any public street, parkway or other public place without the permission of the Tree Superintendent.

Any person or company which maintains poles and wire in the streets, or in other public places, shall in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees and shrubs in such places so far as may be possible and shall keep all such trees and shrubs near such wires and poles properly trimmed, subject to the supervision of the Tree Superintendent, so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contact.

5.3.09.

TREE TOPPING

It shall be unlawful as a normal practice for any person, firm or City Department to top any Street Tree, Park Tree or any other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where pruning practices are impractical may be exempt from this ordinance by determination of the City Tree Superintendent.

5.3.10.

REMOVAL OF STUMPS

All stumps of Street Trees and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

5.3.11.

EXCAVATIONS

In making excavations in streets or other public places proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible.

5.3.12.

INTERFERENCE WITH TREE SUPERINTENDENT

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Superintendent, or any of his agents, while engaging in and about planting, cultivating, mulching, pruning, spraying or removing any Street Trees, Park Trees or trees on private grounds, as authorized in this Ordinance.

5.3.13.

ARBORISTS LICENSE AND BOND

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing Street or Park Trees within the City without first applying for and obtaining a license, provided however that no license shall be required of any public service company or City employee doing such work in the

pursuit of their public service endeavors. Before any license is issued, each applicant shall first file evidence of possession of liability insurance for bodily injury and property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

ARTICLE 4 - VIOLATIONS

5.4.01.

PENALTY

Any person, firm, or corporation who violates, disobeys, commits, neglects, refuses to comply with, or resists the enforcement of any provision of this Chapter shall be subject to a penalty as prescribed in Chapter 10 of this Code. Each day a violation is permitted to exist or continues shall constitute a separate offense.