

# CHAPTER 15

## STREETS

### .01 NAMES OF STREETS.

- (a) There is hereby established a uniform system for street naming or renaming and for numbering property and buildings on all streets, lanes, roads, highways, and public ways in the City of Fairbury. (1996-4)
- (b) All streets, lanes, roads, highways, and public ways in the City of Fairbury shall be know and designated by the names applied thereto, respectively, on the map of the City kept on file in the office of the City Clerk. The street names designated on such map shall continue to be the names of streets unless and until changed by ordinance of the City Council. The naming of all such streets, lanes, roads, highways, and public ways shall be coordinated by the City, the Livingston County Emergency Telephone System Board, and the United States Postal Service. (1996-4)
- (c) Signs designating the names of public streets, lanes, roads, and highways shall be erected and maintained by the City of Fairbury. (1996-4)
- (d) Signs designating the names of private streets, lanes, roads, and highways shall be erected and maintained at the expense of the property owner or owners occupying such private streets, lanes, roads, and highways. Said signs shall be located to be easily visible to emergency personnel traveling from a public access road into the private roadway. All signs shall be of the same or similar construction as the signs erected by the City of Fairbury and shall be installed within ninety days of notification to the private property owner or owners. (1996-4)

### .02 (1) NUMBERING.

- (a) All buildings shall be numbered in accordance with the provisions set forth herein. All numbers for property shall be assigned in a manner mutually agreed upon by the City, the Livingston County Emergency Telephone System Board, and the United States Postal Service. (1996-4)
- (b) Each house, building or other occupied structure shall be assigned a separate number. A number or alphabetical letter shall be assigned for each separate occupant (i.e. apartment, company, etc.) within a building or other occupied structure. (1996-4)
- (c) Existing numbers shall be changed only as necessary to ensure the effectiveness and efficiency of the Enhanced 911 system in the City of Fairbury, as determined in the judgment of the Livingston County Emergency Telephone System Board. (1996-4)
- (d) Written notification of the proper address of each house, building or structure shall be given to its owner, occupant or agent in all instances where a new number has been assigned under the terms of this ordinance. (1996-4)

### .02 (2) PLACEMENT OF NUMBERING.

- (a) The owner, occupant or agent of each house, building or other structure assigned a number under the uniform numbering system provided in this ordinance shall place or cause to be placed such number on or near the house, building or other structure within 90 days after receiving notification of the proper number assignment. (1996-4)
- (b) Cost and installation of the numbers for the structures shall be paid for by the property owner. Numbers shall not be less than three (3) inches in height. All numbers shall be made of a durable and clearly visible material. (1996-4)
- (c) All numbers shall be conspicuously placed immediately above, on or at the side of the appropriate door to the house, building or other structure so that the number is clearly visible from the street. In cases where the structure is situated so that numbers placed upon it cannot be clearly visible from the street, the structure number shall be placed near the walk, driveway, or common entrance to the structure and upon the mailbox, gatepost, fence or other appropriate place so as to be clearly visible for the street. (1996-4)

### **.03 DAMAGE TO STREETS.**

No person shall damage or deface any street, alley, sidewalk, public way, park or other City of 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 City.

### **.04 ENCROACHMENTS ON STREET.**

- (a) No person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk or public way except by permit from the City Council. Application for such permit shall describe the nature of the encroachment in such detail as the City Council shall require. The council in its discretion may issue or deny the permit, and may impose any conditions to such permit as it deems appropriate.
- (b) Awnings made of pliable substance attached to a building and extending not less than seven feet above the surface of the sidewalk may be erected and maintained without a permit.
- (c) Any encroachment on any street, alley, sidewalk or public way shall be maintained so that it does not endanger or obstruct the public.
- (d) Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the City.

### **.05 OBSTRUCTING STREETS.**

- (a) No person shall obstruct or endanger, the free passage or proper use of the public on any street, sidewalk, alley or public place, except as may be permitted by this chapter.
- (b) Goods, wares and merchandise any be placed on sidewalks for such reasonable time as may be necessary while loading and unloading, provided pedestrian traffic is not totally obstructed.
- (c) No street or part of any street in the City of Fairbury shall be closed for any private function until the persons sponsoring such function shall petition the City Council for permission to close such streets or parts of streets. Such petition must be filed in time to be heard at a City Council meeting at least two weeks prior to the date that such persons desire to close such streets or parts of streets. The petition shall state the name and address of the persons or entity seeking to close said streets or parts of streets, the name of the individual who will be responsible for such street closing, shall list the streets or part of streets to be closed and the hours during which they would be closed, and shall state the purpose for which the closure is desired. The City Council may grant or deny said request or grant it subject to such terms and conditions as the City Council deems appropriate as shall appear to be in the best interests of the citizens of the City of Fairbury. (1987-11)

### **.06 MATERIALS IN STREETS.**

- (a) No person shall place any materials on or over any street, sidewalk or public place without a permit therefor from the City Council.
- (b) The permittee shall conform to all conditions the City may impose upon granting of the permits.

### **.07 ADVERTISING ON STREETS.**

No person shall paint or post any signs or bills on any streets, poles or other structures in any street or on the surface of any street or sidewalk.

### **.08 DEBRIS IN STREETS.**

- (a) No person shall litter or deposit any foreign matter on any street, alley, sidewalk, park, or public place, except building materials and merchandise as permitted under this chapter, or as may be permitted by the Mayor.
- (b) Any person violating this section shall be liable for the cost of removal of the foreign matter in addition to the penalty provided for violation of this code.

### **.09 EXCAVATIONS IN STREETS.**

No person shall excavate in or tunnel under any street in the City without first securing a permit at least 24 hours in advance of such work from the Street Commissioner. The fee for the permit will be

established and reviewed each year by the Street & Alley Committee and approved by City Council by resolution. (2009-1)

#### **.10 PROTECTION OF WORK IN STREETS.**

- (a) Any person constructing or repairing, or making any excavation in or tunnel under, or placing any material on or over any street, sidewalk or other public place shall maintain suitable barricades and other protective devices as shall properly prevent injury to any person or property. Suitable lights shall be maintained during the nighttime to warn the public. No unauthorized person shall interfere with or disturb any such protective devices.
- (b) A permit shall be secured from the Street Commissioner at least 24 hours in advance of placing any barricades in any street.

#### **.11 MOVING STRUCTURES.**

No person shall move any building or structure on any street without a permit from the Mayor. The Mayor may impose such conditions as he deems appropriate to protect the City and the public upon granting such permit. The applicant for such permit shall deposit \$1000 in cash with the City Clerk as security for the protection of the streets and other City property.

#### **.12 TREES.**

- (a) No person shall plant, trim or remove any tree or shrub in any street or parkway or other public place without a permit therefor from the Mayor. The Mayor shall approve the species of tree to be planted.
- (b) No person shall injure any tree or shrub planted in any street, parkway or public place. No person shall attach any sign or wire to any such tree or shrub without permission of the Mayor.

#### **.13 SNOW ON SIDEWALKS.**

The person occupying the ground floor of any building, the user of any lot without a structure thereon, and the owner of any vacant building or other premises shall remove the snow and ice accumulating on the abutting sidewalks within 24 hours after any snowfall has ceased. If snow or ice cannot be removed, the surface shall be sanded or otherwise treated to lessen the hazard for pedestrians until the climate permits removal.

#### **.14 BURNING LEAVES AND RUBBISH.**

No person shall burn any leaves, paper, rubbish or other substances upon any street, sidewalk, or alley.

#### **.15 DRIVEWAYS. Ordinance 1991-15 Requiring Driveway Culverts and Providing for the Authorization of Roadside Underdrains and Curb Cuts Approved December 4, 1991.**

##### **Section 1: DRIVEWAY CULVERTS**

- (a) All driveways except those leading onto streets improved with curb and gutter shall have culverts installed in accordance with the following standards unless otherwise approved by the Street Commissioner.
- (b) Pipe material shall conform to Illinois Department of Transportation Standard Specifications for Road and Bridge Construction for pipe culverts type 1A. The culvert shall be sized adequately to handle the drainage area to be served and shall be at least equal in diameter to the nearest crossroad culvert serving this drainage area. In no case, however, shall a pipe culvert of less than 12 inches in diameter be installed. The culvert shall be placed in line with the existing road ditch horizontally and shall be placed at a vertical depth to provide the necessary drainage of the existing water way. Minimum depth of cover over the top of the culvert pipe to the surface of the driveway shall be 6 inches. If the existing ditch is not of sufficient depth to provide these minimum standards, the builder shall regrade the existing ditch as directed by the Street Commissioner to provide the necessary drainageway.
- (c) All areas disturbed in the course of this construction shall be repaired to their original condition and all waterways shall be hand raked and seeded as directed by the Street Commissioner.
- (d) Culvert pipe shall be of sufficient length to extend from toe of slope to toe of slope of the driveway

cross section. In no case shall these slopes be steeper than 3 feet horizontal per each vertical foot as measured from the flow line or invert of the culvert to the edge of the driveway.

- (e) The driveway surface shall be graded so that it meets the edge of the existing street surface and drains toward the culvert at a minimum slope of 0.50%. The low point of the driveway shall not be closer to the street than the existing ditch but in no case shall it be closer than 4 feet.
- (f) All work and materials used on the City right-of-way shall be in accordance with the Standard Specifications for Road and Bridge Construction as well as Exhibit "A" attached hereto.
- (g) No fences, posts, retaining walls, shrubs or curbs shall be constructed along driveways between the right-of-way line or property line and the street pavement, except a curb which does not project more than 6 inches above the adjacent ground line may be constructed between the existing road ditch and the property line when approved by the Street Commissioner.
- (h) Reflectors may be placed at the top of slope in line with the culverts. Reflectors shall not exceed 4 inches in any dimension and shall not project more than 24 inches above the low point of the driveway surface.
- (i) All driveways shall cross the existing or proposed sidewalk at sidewalk grade causing neither a depression nor a hump in the sidewalk without the express permission of the Street Commissioner.

## **Section 2: ROADSIDE UNDERDRAIN**

- (a) Where authorized by the Street Commissioner, an underdrain system may be installed in lieu of the roadside ditch, and shall be constructed in accordance with the following standards unless otherwise approved by the Street Commissioner.
- (b) Pipe material shall conform to Illinois Department of Transportation Standard Specifications for Road and Bridge Construction for pipe culverts type 1A. The underdrain shall be sized adequately to handle the drainage area to be served and shall be at least equal in diameter to the nearest crossroad culvert serving this drainage area. In no case, however, shall an underdrain of less than 12 inches be installed. The minimum pipe slope shall be 0.20%.
- (c) Each lot shall have, at minimum, an inlet structure on the downstream end of the underdrain. Additional inlet structures shall be required, at the direction of the Street Commissioner, when necessary to prevent the obstruction of other drainageways or to prevent ponding. Each inlet structure shall be constructed with an inside dimension of 2 feet by 2 feet square. It shall be constructed on block or brick and mortar with a minimum wall thickness of 4 inches where walls are 18 inches high or less. If greater than 18 inches high, wall thickness shall be 8 inches. It shall be set on a Portland Cement Concrete base slab with a minimum thickness of 6 inches. The inlet shall be covered with a frame and grate suitable for use in streets or trafficways (similar to Neenah Foundries No. R3405 or approved equal). The surface of the grate shall be laid flush with the flow line of the new surface drainage swale so as to deposit all surface waters from the adjacent road and lot area into the underdrain system.
- (d) Culvert pipe on the upstream end of the underdrain shall be connected to any existing inlet structure. If no inlet structure exists on the upstream end, the ground at the upstream end shall be sloped from the new surface drainage swale to the existing surface drainage swale with a slope not greater than 3 feet horizontal per each vertical foot. The ground on the downstream side of a downstream inlet structure, if no adjoining underdrain exists, shall be similarly sloped. If a downstream inlet structure exists between two driveways, as shown on Exhibit "B" attached hereto, and insufficient space exists between the inlet structure and the downstream driveway to accommodate the required slope, then the underdrain leading from the inlet structure shall be connected to the existing downstream driveway culvert, and the entire area between the driveways shall be filled and graded so that the surface of the inlet structure grate is flush with the new surface drainage swale.
- (e) All areas disturbed in the course of this construction shall be repaired to their original condition and all waterways shall be hand raked and seeded as directed by the Street Commissioner.
- (f) All work and materials used on the City right-of-way shall be in accordance with the Standard Specifications for Road and Bridge Construction as well as Exhibit "B" attached hereto.

## **Section 3: CURB CUTS**

- (a) Where authorized by the Street Commissioner, curbs may be cut to allow the construction of access ways onto property from the street. All curb cuts shall be performed and access ways constructed in

accordance with the following standards unless otherwise approved by the Street Commissioner.

- (b) The following standards shall apply to curb cuts and access ways affecting commercial property:
- (1) No curb cut shall exceed 35 feet in width at the curb line.
  - (2) Where more than one curb cut on a single street serving a single parcel of land is contemplated, there shall be no more than two cuts, each not to exceed 35 feet in width, and there shall be not less than 6 feet of curb between the two cuts.
  - (3) On all corner lots in commercial zoning districts, or used for commercial purposes, access shall be from the lower classified street, unless that lot has access frontage only on the major street.
  - (4) Commercial access ways shall meet or exceed the following minimum standards. Portland Cement Concrete aprons shall have a minimum thickness of 6 inches and shall be constructed with air entrainment cement, proportioned for a compressive strength of 4,500 psi in 28 days. Bituminous concrete surfacing may be substituted for concrete provided there is an aggregate base course of 8 inches minimum thickness, surfaced with 1 ½ inches of binder course and 1 ½ inches of surface course for a total thickness of 3 inches of Bituminous Concrete Class I.
  - (5) Commercial access ways shall be constructed in accordance with the details shown on Exhibits "C" and "E", attached hereto.
- (c) The following standards shall apply to curb cuts and access ways affecting residential property:
- (1) Where the proposed curb cut and access way is for residential use, the curb cut shall not be less than 10 feet in width nor greater than 26 feet in width at the curb line. Where a circular access way is to be constructed, the total of both curb cuts shall not exceed 26 feet. No curb cut shall exceed the width of the driveway by more than 8 feet.
  - (2) Residential access ways shall meet or exceed the following minimum standards. Portland Cement Concrete aprons shall have a minimum thickness of 4 inches and shall be constructed with air entrainment cement, proportioned for a compressive strength of 4,500 psi in 28 days. Bituminous concrete surfacing may be substituted for concrete provided there is an aggregate base course of 7 inches minimum thickness and 2 ½ inches of Bituminous Concrete Surface Course Type 5-5.
  - (3) Residential access ways shall be constructed in accordance with the details shown on Exhibits "D" and "E", attached hereto.
- (d) On corner lots, a curb cut shall be permitted on a major or collector street if it is a minimum of 40 feet, and on a minor street if it is a minimum of 24 feet, from the corner of the front and side property lines nearest the street intersection.
- (e) All materials furnished for constructing access ways between the curb and the property line shall conform to Illinois Department of Transportation Standard Specifications for Road and Bridge Construction.
- (f) Any person, firm or corporation receiving a curb cut permit must agree in writing to reconstruct the curb and gutter to its original condition in the event that the access way usage is abandoned due to abandonment of the property or a change in use which excludes the need for the access way.

#### **Section 4: PERMITS**

- (a) No person shall begin construction of driveway culverts or roadside underdrains, nor shall any person break or cut away any portion of any curb or gutter now or hereafter laid or established on any street, alley or public way, without first having secured a permit from the Street Commissioner. The Street Commissioner, however, shall not issue any permit under this Ordinance for any private access way for the breaking or removing of any curb where the proposed opening would create any undue hazard to pedestrians or create a traffic hazard.
- (b) Any person intending to begin such construction or curb cut shall so notify the Street Commissioner in writing, and shall submit plans or drawings showing the nature and location of the proposed construction or curb cut. Also, before a permit will be issued for a curb cut onto a State right-of-way, a copy of an approved permit from the State of Illinois Department of Transportation shall be submitted to the Street Commissioner.

- (c) Before issuance of the permit, the Street Commissioner shall inspect the site of the proposed construction and shall inform the applicant in writing of any changes to the plans or drawings necessary to insure compliance with this Ordinance. Also any person installing an access way through a curb break shall notify the Street Commissioner not less than 24 hours prior to the pouring of the concrete.
- (d) After completion of the construction, the applicant shall so notify the Street Commissioner who shall inspect the completed construction to insure that it has been built in compliance with this Ordinance and with any requirements specified upon the issuance of the permit. If the completed construction is satisfactory, the Street Commissioner shall issue a certificate of compliance so stating.

#### **Section 5: VARIANCES**

- (a) The City Council may approve variances to the standards contained in this Ordinance, provided that no variance shall be approved unless the City Council shall find that all of the following criteria have been met:
  - (1) Because of special conditions or circumstances, a substantial hardship to the owner of the property would result, as distinguished from purely a financial hardship or a mere inconvenience, from strict compliance with the standards contained in this Ordinance.
  - (2) The conditions or circumstances upon which the request for a variance is based are unique to the property affected and are not applicable generally to other property.
  - (3) The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property.
- (b) In approving variances, the City Council may require such other conditions as will, in its judgement, secure substantially the objectives of the standards contained in this Ordinance.
- (c) A petition for any variance shall be submitted in writing to the Street Commissioner, signed by the person intending to undertake any activity governed by this Ordinance. The petition shall state fully the grounds for the application and all facts relied upon by the petitioner. The Street Commissioner shall promptly forward the petition and any available plans or drawings to the City Council, and notify the petitioner of the date set for consideration of the petition.
- (d) The City Council shall, within a reasonable time after receiving the petition, consider the matter at a general or special meeting, at which time the petitioner and all interested parties shall have the right to appear and present evidence or argument. The City Council shall grant or deny the petition within 35 days of the meeting and shall send written notice of its decision to the petitioner. The decision of the City Council is final.

#### **Section 6: NOTICE OF VIOLATION**

Any person found to be in violation of any provision of this Ordinance shall be served by the Street Commissioner with written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, make the necessary corrections and permanently cease all violations stated.

#### **Section 7: PENALTIES**

Any person who shall continue any violation beyond the time limit provided for in Section 4 of this Ordinance shall be fined in an amount not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each violation. Each day in which a violation shall continue shall constitute a separate offense.

#### **Section 8: ADMINISTRATION**

In the absence of a Street Commissioner, or in the event of his refusal or inability to perform the administrative functions stated in this Ordinance, those functions shall be performed by any person designated by the City Council.

- (a) No person shall construct a driveway entering any street without a permit therefor from the Mayor. The fee for such permit shall be as determined by the City Council.

- (b) All new driveways which abut a street with curb and gutters must have a hard or a bituminous (not gravel) surface for a distance of ten (10) feet from the edge of the street.
- (c) On streets having curbs and gutters, damaged curbs must be repaired by the City of Fairbury, at the expense of the owner of the driveway.
- (d) On streets not having curbs and gutters, culverts shall be required at the point of the entrance of the driveway to the public road. The length and width of the culvert shall be in accordance with good engineering standards and subject to the approval of the City engineer. In the event driveways are altered where there have been no previous culverts, or where the previous culverts are inadequate according to good engineering standards, new culverts shall be installed by, and at the expense of the owner of the property.

**See diagrams at end of chapter**

**.16 REMOVAL OF SNOW AND DEBRIS.** (renumber in 2000-4)

No person shall park any vehicle on any street within the city limits at any time when such parking will prohibit removal of snow or other debris from the city streets. No parking whatsoever shall be allowed on Locust, Hickory, First, Third and Seventh Streets between the hours of 1:00 A.M. and 6:00 A.M. on any day during the month of December, January, and February, or at any other times when heavy snowfalls are likely. No parking whatsoever shall be allowed on Fifth and Sixth Streets between Oak Street and Pine Street between the hours of 1:00 A.M. and 6:00 A.M. on any day during the month of December, January, and February, or at any other times when heavy snowfalls are likely. No parking whatsoever shall be allowed on Locust Street on any Wednesday between the hours of 1:00 A.M. and 6:00 A.M. No parking shall be allowed on Third Street between Maple and Walnut Streets on any Wednesday between the hours of 1:00 A.M. and 6:00 A.M.

**.17 ENFORCEMENTS; PENALTIES.** (renumber in 2000-4)

Any person, firm or corporation in violation of this chapter shall be guilty of a Class C Misdemeanor, punishable by the fine of not less than \$50.00 nor more than \$500.00. A separate offense shall be deemed committed on each and every day during or on which a violation occurs or continues. Additionally, the Superintendent of Streets or a Police Officer may take immediate action to remove any illegally parked vehicles, obstructions, materials or debris. In the event that the Superintendent or Police Officer takes such action, the person whose property, encroachments or debris are removed shall bear the cost including towing or hauling or removal.

**.18 SIDEWALKS.** (renumber in 2000-4)

- (a) No public sidewalk shall be installed, replaced or repaired by any person without such person first filing a written application therefor with the City Clerk, on forms provided by the City Clerk. Said application shall be forwarded to the Street Commissioner, who shall then inspect the sidewalk and determine whether or not such sidewalk needs to be installed, replaced, or repaired. If the Street Commissioner approved such installation, replacement, or repair, then the application shall be forwarded to the City Council for its approval. The City shall not be liable for any costs of replacement or repair that is done before such procedure has been followed or which replacement or repair does not meet City standards. Every sidewalk shall comply with the following standards: It shall be four feet wide and shall be four inches thick except that it shall be six inches thick wherever such sidewalk shall cross a driveway. A copy of said standards shall be attached to all such applications. (1991-9)
- (b) The Street Commissioner shall be authorized to inspect all installation, replacement, and repair both during the work and after completion and shall require that such work be done according to City standards. If any person shall install, replace or repair any public sidewalk and such sidewalk does not meet City standards, then the City may have such sidewalk replaced or repaired to bring into conformity with City standards and the person who had caused the previous installation, replacement, or repair shall be responsible for the full cost of bringing it into conformity with City standards. Every application for the installation, replacement or repair of sidewalk shall require the applicant to install,

replace, or repair such sidewalk in conformity with City standards and shall further require the applicant to reimburse the City the cost of bringing such portion of sidewalk into conformity with City standards if the applicant fails to do so. Each such application shall require the applicant to complete such work within sixty days after approval of the application. If any sidewalk replacement or repair is not completed within sixty days after approval of the application, then the person must submit a new application for approval in order to receive the reimbursement for sidewalk replacement or repair provided in paragraph (c) of this section. (1991-9)

- (c) The City shall pay a part of the cost of repair or replacement of public sidewalks, at a rate to be determined by resolution of the City Council, if the Street Commissioner recommends that such part of the sidewalk is in need of repair or replacement and the City Council approves such repair or replacement. If the Street Commissioner does not recommend that such part of the sidewalk is in need of repair or replacement or the City Council does not approve such repair or replacement, then all cost of such installation, repair or replacement, shall be borne by the person seeking to install, repair, or replace such portion of sidewalk. If the applicant fails to complete the approved work within sixty days after approval of the application, then the City shall not pay a part of the cost of repair or replacement as provided herein unless the person submits a new application for repair or replacement. (2005-5)
- (d) Any person who during the construction, repair, or demolition of any building, or in the providing or repair of any utility service to any building, or for any other reason shall damage, remove or replace any part of a public sidewalk shall be responsible for repairing and replacing such sidewalk at such person's expense in conformity with City standards. (1988-17)
- (e) Any person installing, replacing, or repairing any sidewalk or making an excavation in any sidewalk shall maintain suitable barricades to prevent injury to any person or vehicle by reason of such work and such barricades shall be protected by a light at nighttime. (1988-17)