

Title 7 PUBLIC WAYS AND PROPERTY

Chapter 1 STREETS, SIDEWALKS AND PUBLIC WAYS GENERALLY

7-1-1: DEFINITIONS:

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

STREET: Any public street, avenue, parkway, boulevard, drive, lane, road, bridge, viaduct, highway, parkway, circle, cul-de-sac, court, place, alley, or any other public way designated for vehicles by the village.

VEHICLE: Any device in, on, driven on, ridden on, or drawn on any street. (1997 Code § 17-01)

7-1-2: SIDEWALK CONSTRUCTION AND REPAIR:

7-1-2-1: CONSTRUCTION REQUIREMENTS:

A. Grade:

1. The engineer for the village shall establish the grades for all sidewalks, and the same shall conform, as nearly as may be possible, to the grades of their respective streets. Where no permanent grade is established, the department of public works may give a temporary grade.
2. No person may construct or lay, or cause to be constructed or laid, any sidewalk where no grade has been established by the engineer for the village, or contrary to any grade given by the engineer for the village. (1997 Code § 17-50)

B. Specifications: All sidewalks, curbs, and gutters shall be constructed in accordance with specifications as established by the village board of trustees. (1997 Code § 17-51)

- C. **Cost Of Construction:** Where any owner of a lot or parcel of land adjoining any public street in the village fails to construct a sidewalk along such lot or parcel of ground when required to do so by ordinance, the village may construct such sidewalk and collect the costs of such construction by special taxation, special assessment, or any other method prescribed by law. (1997 Code § 17-52)
- D. **Taking For Private Use Prohibited:** No part of any sidewalk shall be taken for private use by lowering, cutting down, or elevating the same next to the building fronting thereon, or by fencing or railing off the same, or otherwise shutting off the public from using the same, except as authorized by the village board of trustees. (1997 Code § 17-53)

7-1-2-2: 50/50 REPAIR PROGRAM:

- A. **Policy:** It is hereby declared to be the public policy of the village that, based on the availability of public funds as determined by the village each year, a program of village and citizen participation in the repair of deteriorating village sidewalks shall be administered by the village.
- B. **Program Established:** As set forth in this code, the owner of property abutting any public sidewalks shall be responsible for the repair/replacement of such sidewalks and the costs thereof. This program shall allow for the equal sharing of the costs of the repairs between the village and the owner (i.e., 50 percent of the repair/replacement costs paid by the village and the remaining 50 percent by the owner). Any owner, or his authorized agent, of property abutting any public sidewalk may apply to the village to participate in the program. The village shall have the sole discretion to approve or deny any application and in doing so may consider, among other things, whether there are sufficient village funds at that time to allow for participation in the village sidewalk repair program and the condition of the sidewalks sought to be repaired.
- C. **Application To Participate:** Any persons desiring to participate in the program shall first submit an application to the village for its review and approval. An application may be obtained at the village hall, and all application submittals shall include the following information:
1. Name of applicant.
 2. Name of owner of property abutting sidewalks to be repaired/replaced.
 3. Address of property abutting sidewalks to be repaired/replaced.
 4. A drawing showing the property line and the areas and dimensions of the sidewalk to be

repaired/replaced.

5. A description of the repair work to be completed.
 6. Three (3) cost estimates for the repair/replacement of the sidewalk. Such estimates shall be from licensed and insured contractors in the concrete business. Estimates shall include the following information:
 - a. Name of contractor and contact information.
 - b. Proof of license and insurance.
 - c. Scope/description of work to be performed.
 - d. Certification that any and all work performed shall conform to all applicable federal, state and local laws and that the contractor has read and is familiar with the provisions of this section.
 7. Proof of funds for the owner's half of the costs of repair/replacement.
 8. Acknowledgment by the owner that he agrees to indemnify and hold village harmless for any claims and/or damages which may arise as part of the repairs.
- D. Review And Approval Or Denial: Upon receipt of an application, the village shall review the application and either grant or deny the application. To the extent the village finds the application to be incomplete or requires additional information in order to fully evaluate the application, it shall contact the applicant, and the applicant shall provide any requested supplemental information. Although applications shall be accepted on a "first come, first serve" basis, the village reserves the right to reject or delay an application when subsequent applications are received for sidewalks that are more badly deteriorated and pose a safety hazard or in the event the village does not have sufficient revenues to fund the program. Determinations by the village that a particular sidewalk has not deteriorated sufficiently to warrant inclusion in the sidewalk program shall be final.
- E. Contractor And Estimates: The village, in its sole discretion, shall select the contractor who shall perform the repairs. The village reserves the right to obtain its own estimates and shall not be obligated to select any of the contractors submitted by the applicant nor is the village obligated to select the lowest estimate.
- F. Contract For Repairs: The contract for repairs shall be entered into directly between the property owner and the contractor. Any contract between the property owner and the contractor shall include a provision that the village is only responsible for fifty percent (50%) of the total repair costs shown in the estimate and shall in no way be responsible for the property owner's half of the repair costs. An executed copy of the contract shall be provided to the village.

- G. Inspection: The village shall have the right to inspect the concrete work performed to ensure compliance with applicable laws.
- H. Prevailing Wage: To the extent applicable, prevailing wages shall be paid by any contractor selected to perform work as a part of this program.
- I. Village Payment: Upon completion of the sidewalk repairs/replacement and passage of final inspection by the village, the village shall pay to the contractor its half of the costs of the repairs/replacement. (Ord. 11-25, 10-10-2011)

7-1-3: DAMAGE TO SIDEWALKS OR CURBSTONES:

No person shall, within the village, cut, mar, deface, or in any way break or disfigure any sidewalk or curbstone or part thereof, except as authorized by the public works director as provided in this title. (1997 Code § 17-02)

7-1-4: REMOVAL OF SNOW AND ICE:

It shall be the duty of the owner or occupant of each and every parcel of real estate in the village abutting upon any sidewalk to keep the sidewalk abutting his premises free and clear of snow and ice to the extent feasible under the prevailing weather conditions, and to remove therefrom all snow and ice, to the extent feasible under the prevailing weather conditions, accumulated thereon within a reasonable time which will ordinarily not exceed twelve (12) hours after the abatement of any storm during which the snow and ice may have accumulated. (1997 Code § 17-03)

7-1-5: NUISANCE SIDEWALKS:

Every sidewalk which is so worn or out of repair as to endanger the safety of persons passing over the same is declared to be a nuisance. No person shall hereafter suffer or permit such nuisance to exist in front of or adjoining premises owned or occupied by him. The owner of any property in front of or adjoining a village sidewalk shall be liable for all damages or injuries to persons or property arising from any such neglect and for any damage that may be recovered against the village in consequence thereof. (1997 Code § 17-05)

7-1-6: WATER FLOWING UPON SIDEWALKS:

No person shall suffer or permit the water falling or draining from the roof of any building owned, occupied, or controlled by him to spread over the sidewalk in front of same. (1997 Code § 17-06)

7-1-7: PENALTY:

Whoever violates any provision of this title shall be fined as provided in section [1-4-1](#) of this code for each offense. Each day's violation constitutes a separate offense. (1997 Code § 17-99; amd. 2013 Code)

7-1-8: SNOW REMOVAL EMERGENCIES:

- A. There is hereby declared an emergency within the village of Capron at any time snow shall accumulate to a depth of two inches (2") and shall continue until the snow has been plowed and removed from the streets within the village.
- B. During the period that a snow emergency shall be in effect as defined in subsection A of this section, it shall be unlawful for any person to stand or park any motor vehicle (with the exception of emergency vehicles) on any street in the village until said street is cleared of snow by the village authorities.
- C. Notwithstanding the provisions of section [7-1-7](#) of this chapter, every person who violates or fails to comply with the provision of this chapter shall be fined in a sum not less than fifty dollars (\$50.00) for each offense and in addition to said fine shall be required to pay the reasonable and necessary cost or charge of removing said vehicle from such street.
- D. Any vehicle in violation of this section shall be deemed a traffic hazard and subject to immediate ticketing and/or towing. The Boone County sheriff's department is hereby authorized to cause the removal from the street of any vehicle parked in violation of the provisions of this chapter. (Ord. 15-25, 12-14-2015)

7-1-9: STREET PARKING PROHIBITED ON STREETS WITH NO CURBS:

- A. It shall be unlawful for any person to park any motor vehicle (with the exception of emergency vehicles) on any street or roadway in the village that does not have a curb.

- B. Notwithstanding the provisions of section [7-1-7](#) of this chapter, every person who violates or fails to comply with the provision of this chapter shall be fined in a sum not less than fifty dollars (\$50.00) for each offense and in addition to said fine shall be required to pay the reasonable and necessary cost or charge of removing said vehicle from such street.

- C. Any vehicle in violation of this section shall be deemed a traffic hazard and subject to immediate ticketing and/or towing. The Boone County sheriff's department is hereby authorized to cause the removal from the street of any vehicle parked in violation of the provisions of this chapter. (Ord. 15-24, 12-14-2015)

Chapter 2

OBSTRUCTIONS AND ENCROACHMENTS

7-2-1: UNAUTHORIZED OBSTRUCTIONS OR ENCUMBRANCES:

- A. No person shall place, throw, or leave, or cause to be placed, thrown, or left, any obstruction or encumbrance, including, but not limited to, snow, in or upon any street, alley, sidewalk or other public ground, except as authorized by this title or other village ordinance. It is specifically authorized that snow shall be permitted to be snow blown or shoveled in or upon any street, alley, sidewalk or other public ground in the C-1 zoning district.

- B. Any person who shall place or leave, or cause to be placed or left, any encroachment, obstruction, or encumbrance, including, but not limited to, snow, in or upon any street, alley, sidewalk, or other public ground shall, in all cases (with the exception of snow that is snow blown or shoveled in or upon any street, alley, sidewalk or other public ground in the C-1 zoning district as set forth in subsection A of this section), be in violation of the provisions of this section and may be held liable to the village and to private persons for all injuries or damages arising therefrom. (Ord. 14-01, 2-10-2014)

7-2-2: PERMIT REQUIREMENTS FOR OBSTRUCTIONS:

- A. **Permit And Safety Devices Required:** No contractor, builder, or other person shall encumber or obstruct any street, alley, sidewalk, or other public ground, or portion thereof, in the village with barricades, parking meter covers, temporary structures, toolsheds, office or tool trailers or shanties, building materials, or any other foreign materials which may impede or obstruct traffic or the public use of a public way unless such contractor, builder, or other person shall have filed with the village clerk an application for a permit setting forth, among other things, the purpose, the period, and extent of the use desired to be made of the public way, and shall have paid the proper fees. Anyone who obtains such a permit and encumbers or obstructs any street, alley, sidewalk, or other public ground, or portion thereof, shall install sufficient barricades, flashing lights, lanterns, channelizing devices, and warning signs. (1997 Code § 17-16)
- B. **Forms For Applications And Permits:** The village clerk shall prepare application and permit forms which shall identify the person seeking to obstruct the public way, the area sought to be obstructed, purpose of such obstruction, duration of the period during which the public way shall be obstructed, and if public parking on the public streets is to be curtailed, the area of the street to be obstructed, the purpose thereof and duration of period during which the interruption of public parking shall be in effect. (1997 Code § 17-17)
- C. **Permit Fee:** Permits issued for street, alley, sidewalk, or other public ground obstructions or to block curb parking shall be five dollars (\$5.00) per day. (1997 Code § 17-18)

7-2-3: MERCHANDISE ON SIDEWALKS:

No person, while receiving or delivering goods, wares, or merchandise, shall permit the same to remain on any sidewalk longer than is necessary to convey such goods, wares, or merchandise to or from the premises abutting on such sidewalk or to or from which such goods, wares, or merchandise are being delivered or received, and for this purpose, said person shall not occupy over four feet (4') of the outer edge of the sidewalk in front of his or her store or building. (1997 Code § 17-19)

7-2-4: STORAGE OF PERSONAL PROPERTY:

No street, alley, sidewalk, or other public ground shall be used for the storage of personal property, goods, wares, or merchandise of any kind or description whatsoever. No person shall place or cause to be placed in or on any street, alley, or sidewalk any barrel, box, crate, package, or other obstruction of any kind or description whatsoever, and suffer the same to remain thereon longer than twenty four (24) hours. (1997 Code § 17-20; amd. 2013 Code)

7-2-5: TRAINS OBSTRUCTING STREETS:

- A. No railroad corporation nor its agent or employee shall block or obstruct any street by stopping on the tracks any train, railroad car, or locomotive engine for a period in excess of ten (10) minutes, except when such train, railroad car, or locomotive engine cannot be moved by reason of circumstances over which the railroad corporation, its agent, or employee has no control.

- B. The village shall have authority to order, in emergency situations, that any train, railroad car, or locomotive engine be moved or separated to permit passage over the tracks. Any railroad corporation, its agent, or employee shall comply with this order. (1997 Code § 17-21)

- C. Any railroad corporation violating the provisions of this section shall be punishable as provided in section [7-1-7](#) of this title for each offense, and any engineer or conductor causing an obstruction in violation of the provisions of this section shall also be individually guilty of a violation and shall be punishable as provided in section [7-1-7](#) of this title. (1997 Code § 17-21; amd. 2013 Code)

7-2-6: PENALTY:

Any person violating any provision of this chapter shall be punishable as provided in section [7-1-7](#) of this title. (2013 Code)

Chapter 3 EXCAVATIONS

7-3-1: PERMIT REQUIRED:

- A. It shall be unlawful for any person, business, company, entity, or utility company to make any excavation or alteration to, in or across, or to tunnel under, any curb, gutter, street, sidewalk or any other village property without first having secured a permit pursuant to this chapter from the village clerk.

- B. Notwithstanding the foregoing, a utility company may make any excavation or alteration to,

in or across, or tunnel under, any curb, gutter, street, sidewalk, or any other village property in emergency situations without first having secured a permit. Such utility company shall contact the village president, the director of public works, and/or the village trustee in charge of streets and sidewalks prior to commencing any emergency work to obtain authority to proceed with such emergency work without first obtaining a permit. As soon as practically possible thereafter, such utility shall apply for a permit.

- C. The permit holder will repair, cause to be repaired, or reimburse the village for repairs for any and all damages or alterations to any village property or improvements that may arise due to the operations of the permit holder. Such repair shall be in accordance with all applicable village regulations, codes and standards and shall return the damaged or altered village property to a reasonably similar condition as previously existed. (Ord. 13-09, 9-9-2013)

7-3-2: PERMIT FEES AND COSTS:

A fee as provided in the fee schedule adopted by the village in section [9-1-1](#) of this code shall be charged and collected for each permit issued for an opening in any street, sidewalk, alley, or public property. In addition, all fees and costs incurred by the village for work performed by its designated agents/consultants shall be charged against the applicant as an additional expense to be paid by the applicant. The fees and costs provided for under this section may be waived for any utility companies by the village board. (Ord. 13-09, 9-9-2013)

7-3-3: APPLICATION:

Applications for this permit must be made in writing to the village clerk upon the form furnished by the village. The application shall contain the name and address of the person making the application, on whose behalf the work is to be done, the name and address of the person actually performing the work, the nature of the work that is desired to be done, and the reason therefor, and the size, type and location of the street surface, sidewalk or other village property/improvement to be injured or altered, a proposed date for commencement of the work to be done and the anticipated time frame for completion of the work.

The application shall be signed by the applicant, and the application shall contain a statement that the applicant agrees that if he/she, or their agent, representative, contractor, employee or assigns, shall injure, damage or alter for any purpose whatsoever any pavement of any street or alley, any sidewalk, curb or gutter or any part thereof, or dig any hole, trench, ditch or drain, or dig or remove any sod, stone curb, earth, sand or gravel from or below any street, alley, sidewalk, parkway, or other public property, that he or she shall be responsible for repairing any injured, damaged or altered public property shall be liable to the village for damages to persons or property in consequence thereof which the village shall suffer or be adjudged to pay. It shall further contain a statement that the applicant shall pay for all damages to any public property or improvements that may arise due to operations of the applicant, and applicant agrees to pay all damages that may be recovered against the village to any person or

property occasioned by or in any manner resulting from the operations of the applicant on public property and that applicant shall otherwise indemnify, save and hold the village harmless from any and all loss, costs, damage, expense or liability of any kind whatsoever which the village may suffer or which may be recovered against the village from or on account of the issuance of the permit for excavation and from or on account of any act or thing done by the applicant, its agents, representatives or subcontractors and from or on account of any negligence or omission of the applicant in excavating. As a part of the application submittal, applicant shall provide a certificate of liability insurance showing that applicant has general commercial comprehensive liability insurance in an amount of no less than one million dollars (\$1,000,000.00) per occurrence and naming the village as an additional insured. (Ord. 13-09, 9-9-2013)

7-3-4: SURETY FOR PERFORMANCE:

A. Each applicant for a permit required by this chapter shall provide surety in the form set forth hereinafter to ensure that:

1. The improvements authorized by the permit will be completed by the permit holder or his or her subcontractor within the time frame specified in the application but in no event, later than one year from the date of issuance of the permit, unless otherwise agreed upon by the village;
2. The performance of the work for which the permit has been issued will be performed in a proper and workmanlike manner and in accordance with the specifications set for by law, village ordinance or otherwise;
3. The permit holder will repair, cause to be repaired, or reimburse the village for repairs for any and all damages to any public property or improvement that may arise due to the operations of the permit holder;
4. The permit holder will repair, cause to be repaired, or reimburse the village for repairs necessitated by defects in material and/or workmanship of the improvements authorized by the permit during the period commencing on the date of completion of the improvement and ending one year thereafter; and
5. The permit holder will indemnify the village for any loss or damage resulting from the work undertaken or the manner of doing the work.

B. At the option of the permit applicant, this surety shall be in either of the following forms:

1. An irrevocable letter of credit in an amount not less than one hundred fifty percent (150%) of the cost of the project to be performed pursuant to the permit, issued in favor of the village and payable upon presentation of a site draft; or
2. A performance bond (naming the village as an additional owner) in an amount equal to one hundred fifty percent (150%) of the cost of the project contemplated by the permit with good and sufficient security as may be approved by the village board or any other

officer designated by the village board.

3. To the extent the applicant is a utility company, the utility company may post a yearly standing irrevocable letter of credit or performance bond to serve as surety for the projects performed by such utility in any given year as opposed to obtaining a separate surety for each project performed during the year. Such standing surety shall be maintained in the minimum amount of thirty thousand dollars (\$30,000.00). To the extent such surety is not drawn down upon for a particular project, the surety shall serve as surety for the next project by the utility company. However, should the costs of any individual project exceed thirty thousand dollars (\$30,000.00), then the utility shall be required to obtain a separate irrevocable letter of credit or performance bond in an amount not less than one hundred fifty percent (150%) of the costs of that project.
4. Any such surety shall be filed with the village clerk prior to the issuance of the permit. Any termination of any surety provided for in this chapter prior to the completion of the project as reasonably determined by the village, without further action of the village board or any officer of the village, will result in immediate revocation of the permit. (Ord. 13-09, 9-9-2013)

7-3-5: SAFETY DEVICES:

Any person who shall, under the provisions of this chapter or other ordinances of the village, be allowed to make any excavation in any street, alley, avenue or sidewalk shall be required to place and maintain such barricades, warning signs, and lights as may be required by the village. (1997 Code § 17-36)

7-3-6: SUPERVISION AND INSPECTION OF WORK:

All work done under the authority of a permit under the provisions of this chapter shall be supervised and inspected by the department of public works. Such supervision and inspection shall be done at the sole expense of the person securing the permit. (1997 Code § 17-34)

7-3-7: DISPOSITION OF SURPLUS OR DEFICIENT FUNDS:

After completion of the work under the provisions of this chapter, the village clerk shall certify to the board of trustees the amount of any surplus remaining from the amount paid under this chapter after payment for the work done by the village, or the amount of any surplus remaining from the amount paid under this chapter, or if any damage shall have been done to any underground work or connections, or otherwise, not contemplated in the original estimate, which shall have caused increased expenditure, the amount of such deficiency or damage shall be certified to the clerk, who shall collect the same from the person to whom the permit was issued. (1997 Code § 17-35)

7-3-8: PERMANENT OPENINGS IN SIDEWALKS:

There shall be no permanent opening in any sidewalk extending beyond the property line, except such openings as are herein expressly authorized. There may be an opening, provided it is covered with metal sidewalk trap doors. The outer edge of such doors shall be within two feet (2') of the outside edge of the sidewalk curb, the inner edge of which shall not be more than seven feet (7') from the outer edge of the sidewalk curb. Every door shall be provided with metal guards for the protection of the public when open and shall be flush with the sidewalks when closed, including hinges. There may be openings through sidewalks for the admittance of fuel. All openings in sidewalks shall have metal or cement covers flush with the walk, and their upper surfaces shall be roughened. All parts of sidewalks, including illuminating tile or other structural parts, shall be capable of sustaining a load at all points simultaneously equal to four hundred (400) pounds for each superficial foot of the surface thereof. There shall be no permanent openings in the form of gratings of any description in any sidewalk. (1997 Code § 17-37)

7-3-9: CELLARS AND BASEMENTS:

No open cellar or basement way shall be permitted in any sidewalk or alley, nor shall the door or grating of any such closed cellar or basement way extend above the grade of the sidewalk, nor exceeding one inch (1") above the grade of the alley, nor shall the hinges, locks, or other fastenings thereof be placed on the upper side of the same so as to project above the door. All cellar windows in any sidewalk or alley shall be set or placed even with the grade of such sidewalk or alley and be well secured with iron or other suitable gratings. (1997 Code § 17-38)

7-3-10: PENALTY:

Any person violating any provision of this chapter shall be punishable as provided in section [7-1-7](#) of this title. (2013 Code)

Chapter 4 PRIVATE DRIVEWAYS

7-4-1: PERMIT REQUIREMENTS:

- A. **Permit Required:** No person shall construct any private driveway entering on any public street or alley within the village without having first obtained a permit therefor from the village board of trustees.
- B. **Application For Permit:** An application for the permit shall be made first to the planning commission and then to the board of trustees showing the time, place, and character of such opening and the purpose thereof. (1997 Code § 17-65)
- C. **Permit Fee And Costs:** A fee as provided in the fee schedule adopted in section [9-1-1](#) of this code shall be charged and collected for each and every permit issued for the construction of a private driveway. In addition, all costs incurred by the village or its designated agents shall be charged against the applicant as an additional expense to be collected at the time of permit issuance. (1997 Code § 17-67; amd. 2013 Code)
- D. **Ineligibility For Permit:** The village board of trustees shall not issue any permit for any private driveway or for breaking or for removing any street curbing where the proposed opening would create an unnecessary hazard to pedestrians using any sidewalk intersected by such driveway, nor shall any permit be issued for a driveway in excess of thirty five feet (35') in total width as measured from the appropriate right of way lines, or where the proposed driveway would create a traffic hazard, or where the proposed driveway would constitute a violation of the village zoning ordinance. (1997 Code § 17-66)

7-4-2: SIDEWALK CONSTRUCTION REQUIREMENTS:

All sidewalks built under the provisions of this chapter shall be constructed in accordance with standards and material prescribed by the village board of trustees in this code. (1997 Code § 17-65)

7-4-3: CURBING:

No person shall have or maintain an entrance or driveway for vehicles from the paved street into his premises crossing the curbing. All such driveways from such streets into private premises shall be made by putting in curbing, one each side of the driveway, with rounded corners, as at street intersections. All such driveways shall be constructed in accordance with standards and material prescribed by the village. (1997 Code § 17-69)

7-4-4: EXISTING DRIVEWAYS CAUSING SOIL EROSION OR SEWER OVERLOAD:

- A. Wherever an existing driveway shall be so constructed or maintained as to cause soil erosion or to overload adjacent sewers, the village president, with consent of the board of trustees, shall, on determination of the fact thereof, order the property owner using such driveway to repair or reconstruct the same so as to prevent soil erosion or overloading of adjacent sewers.

- B. The property owner using the driveway shall be given sixty (60) days' notice in writing to make the necessary changes to such driveway.

- C. In the event that the property owner shall refuse to repair or reconstruct the driveway within sixty (60) days after notice as provided in subsection B of this section, the department of public works shall block off the driveway so as to prevent soil erosion and overloading of adjacent sewers, and a nuisance shall be declared. (1997 Code § 17-68)

7-4-5: PENALTY:

Any person violating any provision of this chapter shall be punishable as provided in section [7-1-7](#) of this title. (2013 Code)

Chapter 5 MOVING BUILDINGS

7-5-1: PERMIT REQUIREMENTS:

- A. Permit Required: No person shall move any building on, through, or over any street, alley, sidewalk, or other public place in the village without first obtaining a permit therefor from the village board of trustees.

- B. Application For Permit: Application for such permit shall be made in writing to the board of trustees and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of the streets, alleys, sidewalks, or other public places in the village.

- C. Permit Fee: The application shall be accompanied by a one hundred dollar (\$100.00) nonrefundable application fee. This fee shall be in addition to any fees required pursuant to section [7-5-2](#) of this chapter. (1997 Code § 17-80)

7-5-2: APPROVAL FEE:

- A. Upon approval of the intended route by the village board of trustees, the applicant shall pay a fee determined by the village clerk as being sufficient to pay the estimated cost of necessary and appropriate services provided by village departments to ensure the safe and orderly moving of a building on, through, or over any street, alley, sidewalk, or other public place including, but not limited to, the cost of closing a portion of any street, alley, sidewalk, or other public place to traffic; protecting, moving, or relocating utility facilities; and personnel costs. The applicant shall post a bond satisfactory to the village board for public liability and damage to village property. Upon completion of the move, the applicant shall be billed the actual cost of the necessary and appropriate services provided by the village departments, and such invoice shall be paid within thirty (30) days.

- B. Interest at the rate of eighteen percent (18%) per annum shall be added to the amount of such costs in the event that such costs are not paid within thirty (30) days from the date of billing. Moving of such building pursuant to a permit issued by the village board shall constitute the applicant's agreement to the payment of such costs and interest. (1997 Code § 17-81)

7-5-3: BOND REQUIRED:

Every person applying for a permit under this chapter shall submit with his application a cash bond with a lawful corporate surety to be approved by the board of trustees, conditioned on compliance with all the provisions of this chapter, and agreeing to pay and holding the village

harmless from any claim which may be made against it by reason of the occupation of any street, alley, sidewalk, or other public place by the building or structure moved. (1997 Code § 17-82)

7-5-4: PROCEDURES FOR MOVING BUILDINGS:

- A. **Warnings And Lights:** Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the county sheriff's department so as to warn vehicles and persons from entering that portion of the street so blocked. The person moving any building through the street shall keep warning signs and lanterns or lights on the building so as to guard against any person or vehicle from colliding with such building. (1997 Code § 17-83; amd. 2013 Code)

- B. **Utility Wires:** Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building, the terms of any special or franchise ordinance governing shall apply and the bond therein specified shall be given. If no such terms apply, then the village board of trustees shall estimate the expense of fixing the wires and the bond to be given to cover such expense.

- C. **Fire Alarm Wires:** When any moving building shall approach any fire alarm wire or pole which shall be endangered by the removal of such building or structure, it shall be the duty of the mover to notify the department of public works at least six (6) hours before reaching such wire or pole so that it may be removed or cared for by the village authorities.

- D. **Other Wires:** Whenever any licensed building mover engaged to move any building through or past wires, cables, or other electrical conductors owned and operated by the village, or by any other person or corporation, and shall have secured a permit from the board of trustees for such removal in accordance with the provisions of this chapter, he or she shall serve notice in writing on the person or corporation owning, using, or operating any such wire, cable, or other electrical conductor through which he desires to pass, specifying the time the building he or she is removing will reach such wire, cable, or other electrical conductor to be cut or otherwise removed or disposed of so as to allow such person or corporation not less than twenty four (24) hours before the time at which it is desired to cut such wire, cable, or other electrical conductor or otherwise dispose of same. (1997 Code § 17-83)

7-5-5: PENALTY:

Any person violating any provision of this chapter shall be punishable as provided in section

[7-1-7](#) of this title. (2013 Code)