

Chapter 265

STREETS, SIDEWALKS AND PUBLIC WAYS

[HISTORY: Derived from Title 6, Ch. 1, Arts. 1 through 5, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]

GENERAL REFERENCES

Floodplain management — See Ch. 170.

Nuisances — See Ch. 208.

Sewers — See Ch. 240.

Water — See Ch. 300.

ARTICLE I

General Offenses

§ 265-1. Obstruction, injury to public property.

No person shall willfully and maliciously obstruct, injure, deface or interfere with any bridge, culvert, ditch, tile drain, sidewalk or other public property or work of the Village.

§ 265-2. Obstruction, change of watercourse.

- A. No person shall either, by himself, agent, servant or employee, within the corporate limits of the Village, obstruct, turn, alter, divert or change the course or flow of water on, along or over any of the public streets and alleys of the Village, except by the consent and under the direction and supervision of the municipal authorities of the Village.
- B. Any person who shall, without first obtaining the consent provided for in Subsection A, by himself, a servant or employee, obstruct, turn, alter, divert or change, or cause to be obstructed, turned, altered, diverted or changed, the course and flow of water on, along or over any of the public streets or alleys of the Village by digging therein or by depositing earth or other materials thereon, or in any manner obstruct or change the course and flow of water on, along or over such streets and alleys as the course and flow of such water may now or hereafter be fixed and directed by the working and improvements of such streets and alleys by the municipal authorities of the Village, shall, on conviction thereof, be fined as in this Code provided.

§ 265-3. Injury to streets, fences.

No person shall, within the limits of the Village, willfully or carelessly destroy or injure any tree or shrub, railing, lamppost, telephone or telegraph pole or wire, or in any manner cause the same to be done, nor shall he hitch or fasten any horse or other animal to or so near any tree, shrub, railing, lamppost, telephone or telegraph pole or wire as to injure or destroy the same by such horse or other animal.

§ 265-4. Papers, debris on streets, sidewalks.

No person or persons shall place, deposit or throw loose papers, beverage cans or other debris in any alley or on the streets within the Village or leave the same in such condition that the same may become scattered or blown upon the streets and alleys of the Village.

§ 265-5. Definitions. [Added 6-11-2007 by Ord. No. 071106E]

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

DEBRIS

- A. **ASHES** — Residue from fires used for cooking and for heating buildings.
- B. **GARBAGE** — Waste resulting from handling, preparation, cooking and consumption of food and from handling, storage and sale of produce.
- C. **REFUSE** — Combustible trash, including but not limited to paper cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, beddings; noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other material waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles, provided "refuse" shall not include earth and waste from building operations, nor shall it include solid waste resulting from industrial processes and manufacturing operations such as food-processing wastes, boiler-house cinders, lumber scraps and shavings.

ARTICLE II
Excavations
[Added 6-17-1975]

§ 265-6. Permit required.

No person shall, without an expressed permit in writing previously obtained in each and every instance from the Village Clerk, Building Inspector or Chairman Water and Sewer, make any excavation in any street, alley or public area in the Village for the purpose of examination, repair, removal or of laying gas, heat or water pipes, sewer or conduits, or water or sewer services, or for any other purpose whatsoever.

§ 265-7. Application.

Application for such permit shall be made to the Village Clerk or Chairman Water and Sewer. Application for permit shall comply with the provisions of this chapter and shall state therein the purpose of such excavation and designate the place of making and the date and time when such work is proposed to begin and the extent thereof.

§ 265-8. Fees to be charged. ¹

The Village shall charge for the issuance of a permit for excavations in the streets and alleys a fee as set by the Board of Trustees from time to time, payable to the Village Clerk. No tunneling will be permitted under paving without a special permit.

§ 265-9. Refilling.

The making of excavations and the refilling thereof shall be made as provided in this chapter and shall be under the inspection of the Building Inspector or Chairman of Water and Sewer or a representative of the Village. The person making such excavation under proper permit for same shall notify the Village when same is ready for refill, whereupon said Village inspector shall cause the same to be done strictly in accordance with the provisions hereof.

§ 265-10. Manner of backfilling.

- A. All trenches and excavations in paved streets and sidewalks shall be backfilled as rapidly as possible and as the conditions will permit. All backfill material shall be deposited in the trench in such a manner as not to damage the pipe. The backfill of the trench shall be carried on simultaneously on both sides of pipe in such a manner as injurious side pressure does not occur. The backfill of trenches shall be moist sand or other suitable approved fill. It shall be placed in four-inch layers and compacted to the satisfaction of the Village inspector by mechanical means. Outriggers shall be blocked or padded so as to prevent damage to road, sidewalk and other ground surfaces.
- B. All trenches and excavations must be resurfaced with the same material as originally used on streets and alleys surfaced with a bituminous mix, or eight inches of concrete may be used. The finish grade must meet the existing grade of the street.
- C. All surplus material shall be hauled away to such point as designated by the Public Works Supervisor.²

§ 265-11. Danger signals.

Any person making any excavation shall protect the same by barriers, red lights or otherwise while the work is in progress.

§ 265-12. Map of pipes.

All persons, whether by virtue of license, franchise, permit or otherwise, who shall construct or maintain a system of underground pipes, conduits or other like systems, shall cause to be made true and accurate maps of the location of the mains of the same in any street, alley or public place; said maps to show with reasonable certainty the depth from

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

the surface of the street, the distance from the lot line and shall furnish all other necessary and desirable information for the purpose of informing the Village officials of the necessary data needed to properly locate said systems for the purpose of protecting the same in any excavations necessary to be made in said streets or otherwise; and when said maps are so made as herein directed, said person making the same or causing the same to be made shall deposit three true and correct copies thereof in the office of the Clerk, and same are to be the property of the Village.

§ 265-13. Encroachments.

- A. "Encroachment" is defined as any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the roadway right-of-way.
- B. It shall be unlawful for any person to erect or cause to be erected, to retain or cause to be retained, an encroachment as defined in Subsection A within the limits of the roadway right-of-way.
- C. This section is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.³

ARTICLE III

Excavation Permit to Control Erosion

§ 265-14. Erosion/runoff control plan.

No owner of real estate within the Village limits of Port Byron and no developer, contractor or builder doing business in the Village of Port Byron shall clean, grade or remove soil from any real estate, to include driveways, within the Village of Port Byron prior to obtaining an excavation permit. No excavation permit shall be issued by the Building Inspector until such time as said owner, developer, contractor or builder has provided to the Building Inspector a complete plan for erosion control and cleanup in the event that erosion/runoff may occur. No excavation permit may be issued until said plan is approved by said Building Inspector.

§ 265-15. Methods of control.

It is not the intent of this chapter to stipulate any particular means of control or cleanup, but to allow the owner, developer, contractor or builder to select the best method for the project subject to the approval of the Building Inspector. Permit holders may use the following methods of erosion control but are not necessarily limited to these methods:

- A. Immediate sod replacement over stripped areas.

³. Editor's Note: Original subsection 8.4 of Article 2, pertaining to penalties, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. VI). The General Penalty in Ch. 1, Art. II, of the Code applies to this chapter.

- B. Covering the stripped areas with materials such as burlap.
- C. The use of settling basins along lower land elevations.
- D. Restricted movement during wet soil conditions of trucks and equipment.

§ 265-16. Cleanup plan.

Upon the advice of the Building Inspector that erosion/runoff has occurred, the cleanup plan must be utilized and shall include a method of cleanup and time schedule for the work to be done by such owner, builder, contractor or developer. The Village shall be granted a lien on the property if the situation warrants a cleanup plan to be used.

§ 265-17. Performance bond.

Contractors, builders or developers must obtain a performance bond and list the Village as beneficiary of said bond for all projects in excess of \$1,000 in total costs. This bond shall be equal to 5% of the total dollar value involved in said project and shall be in force at least six months past completion of project and acceptance by the Building Inspector.⁴

§ 265-18. Applicability.

The application of this chapter is not limited to cases in which building or excavation permits have been issued for construction work, but it is the intent of this chapter that it shall apply to all cases in which the owner of any real estate in the Village of Port Byron permits soil from such real estate to be eroded onto the public way or private properties, and such penalties hereinbefore described shall apply in all such cases with a three-day notice to owner.

ARTICLE IV
Culverts and Ditches
[Added 8-12-1985 by Ord. No. 85-8-12B]

§ 265-19. Drainage ditches provided.

Whenever a street or roadway in the Village is not furnished with a curb or gutter connected to a storm sewer or to a ditch or waterway for drainage, drainage ditches shall be furnished along the roadway at the expense of the owner of the adjoining property.

§ 265-20. Unlawful construction.

No person shall construct or maintain a driveway over a ditch without furnishing a culvert to provide drainage, in accordance with specifications approved by the Village Board.

§ 265-21. Free of obstructions.

⁴. Editor's Note: Original Section 5 of Article 3, Violation, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. VI). The General Penalty in Ch. 1, Art. II, applies in this chapter.

The owner and occupant of abutting property shall keep such culverts and ditches free of obstructions.

§ 265-22. Disposal prohibited.

No person shall dump any leaves, trash, soil or other material into any such ditch or culvert, and no person shall obstruct any such ditch or culvert.

§ 265-23. Violations and penalties.⁵

Any person violating any provision of this chapter shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article II, of the Village Code.

ARTICLE V
Storm Drainage Systems
[Amended 4-4-1960 by Ord. No. 60-4]

§ 265-24. Connections prohibited.

It shall be unlawful for any person to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste or any fixture or device discharging polluting substances to any stormwater drain in the Village.

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