

TITLE 14

STREETS, SIDEWALKS, PARKS, BICYCLES

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CHAPTER 2

SIDEWALKS AND DRIVEWAYS

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14-2-1: PETITION OF LANDOWNERS:

No sidewalk shall be built in the Village unless petitioned for by the property owners owning not less than seventy five percent (75%) of the lineal frontage fronting upon such proposed sidewalk; and no sidewalk shall be built unless petitioned for as herein provided, nor unless so ordered by the Village President and Board of Trustees at a regular meeting of the Board of Trustees, and nothing in this Chapter shall be construed as creating an obligation upon the Village to build such sidewalk.

14-2-2: SIDEWALK CONSTRUCTION:

It shall be unlawful for any person to construct or lay any pavement on any public street, sidewalk, alley or other public way, or to repair the pavement, without having first secured a permit therefore. Applications for such permits shall be made to the Village clerk and shall state the location of the intended pavement or repair, the extent and the person or firm that is to do the actual construction work. No such permit shall be issued except as approved by either the zoning board or Village Board and upon the payment of a permit fee.

14-2-3: SPECIFICATIONS:

- A. All street and sidewalk pavement shall be made in conformity with the specifications approved from time to time by the Village President and the Board of Trustees.
- B. All sidewalks hereafter built in the Village shall be graded to a level as nearly as practicable, and when necessary to avoid abrupt grades and steep ascents, and the bed shall be filled and graded according to the direction of the Village Board.
- C. Sidewalks must be designed to meet or exceed the most stringent requirements of either Federal or State design for handicapped accessibility.

14-2-4: INJURY TO PAVEMENTS:

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

14-2-5: REPAIRS:

- A. All public street, alley and sidewalk pavement shall be in good repair. Such repair work, whether done by the city or the abutting owner, shall be under the supervision of the Village Board.
- B. It shall be the duty of every Village officer or employee becoming cognizant of any defect in any street, alley or sidewalk, or any obstruction, to report the defect or obstruction to the Village Board.
- C. The Village shall establish a maximum of \$10,000 (Ten Thousand) dollars, yearly, to be allocated for replacement of sidewalks on Village property or right of way in front of residents residences.

- a. The homeowners must request in writing, to the Village Board, permission to replace said sidewalk and approximate amount of costs for the concrete. Applications can be found on the Village website or by contacting the Village office.
- b. The Village will reimburse the homeowner for the cost of 50% of the construction and concrete once all billings and costs are given to the Village for verification. The Village will only reimburse costs for the proper invoices and receipts given to the Village.
- c. All Sidewalk replacements must be completed by a concrete contractor or business, unsure given proper approval from the Village board.

14-2-6: DRIVEWAYS:

- A. The Village shall not pay for any cost of a driveway being put in by a resident for access to or from private property.
- B. No person shall construct a driveway for vehicles or animals, which driveway crosses any sidewalk in the city or abuts any street or public way within the city, without first having obtained a permit therefor.
- C. No driveway shall be so constructed or graded so as to leave a step, sharp depression or other obstruction on the sidewalk or public way. The grade shall be as nearly as possible the same as that of the adjoining sidewalk or public way. It shall be unlawful for any person to have the surface finish of any driveway where the driveway crosses the sidewalk or abuts the public way constructed in such a manner and of such materials so as to render it slippery or hazardous to pedestrians using the sidewalk or to vehicles using the public way, or to have the grade of such portion vary from the grade of the sidewalk, or be other than level or be a hazard to the public way.
- D. It shall be the duty of the person maintaining the driveway to keep the driveway in good repair where it crosses the sidewalk or abuts a city street or public way and free from obstructions and openings.
- E. All costs shall be born to the landowner of the property. From the street to the edge of the Village property. This is generally known as from the street to the sidewalk.
- F. The Village is not responsible for any damage to one's driveway, in which snowplowing, cutting, or resurfacing of the street may damage one's said driveway.

14-2-7: CULVERT REGULATIONS:

A. Duty To Install, Maintain And Replace: Culverts shall be installed in the village for each driveway crossing an open existing or proposed ditch. It shall be the duty of each owner to keep all driveway culverts on such owner's property in good condition and repair and properly functioning. If any construction or landscape activity damages corrugated metal pipe culverts, the owner performing such work shall cause its contractor to repair, straighten or trim the bent or damaged ends of such pipe culverts before the village shall refund any bond or other escrow deposit posted in connection with such work. If a culvert is undersized for the stormwater flows that it should be able to accommodate or fails to accept such stormwater due to structural failure or wear and tear, then the owner of the property, after obtaining a building permit in accordance with this code, shall replace the culvert with a new and properly sized culvert. If culvert replacement is required by the village, the owner may appeal such determination to the village board, whose determination shall be final. Culverts which are not kept and maintained in good condition and repair and properly functioning are hereby declared to be a public nuisance and may be abated by the village in accordance with this code.

B. Permitted Materials: Existing culverts of corrugated metal pipe installed before April 31, 2023 shall be permitted to remain in place, but whenever such culverts are substantially replaced whether voluntarily or when required by the provisions of this section, or whenever new culverts are installed in the village, the culvert pipe material shall be reinforced concrete pipe or ductile iron pipe.

C. Construction Requirements: New culvert pipe shall be laid with the invert elevation thereof at the normal or proposed flow line of the ditch. Culvert size shall be of the diameter specified by the village, but shall not be less than twelve inches (12") internal diameter. The culvert shall extend a minimum of four feet (4') for each foot of depth on each side of the completed driveway, and there shall be adequate side slope between the edge of the driveway and the end of the culvert pipe to prevent the entrance or obstruction of dirt or fill material. This requirement may be waived in instances where a concrete, stone or wood retaining wall is approved by the village.

Culvert pipes shall be bedded in gravel. Where the invert depth of the culvert pipe is three feet (3') or more, the side slope protection shall be of hot mix asphalt or concrete.

D. Standards For Determining Replacement; Notice From Village: A culvert shall be subject to inspection by the village to determine if it is deficient and in need of replacement. If the village finds that one or more of the following conditions applies to a culvert, the culvert shall be considered in need of replacement:

1. Structural failure has occurred as evidenced by perforation or rust through of more than twenty percent (20%) of the visible pipe wall;
2. The invert elevation is more than 0.25 feet above or 0.5 feet below the normal flow line of the ditch;
3. Crimping of the inlet or outlet has occurred that reduces the flow area by twenty five percent (25%) or more; or
4. The culvert is demonstrably deficient to carry normal flows as evidenced by overtopping of driveway or roadway pavement or flooding outside of the right of way following a rain event of 5-year or lesser intensity according to the Illinois state water survey, bulletin 70, or any comparable replacement publication approved by the village board.

If the village determines that a given driveway culvert is in need of maintenance, repair or replacement according to the foregoing standards, it shall serve or cause to be served upon the owner of property served by the deficient culvert, a written notice requiring such owner to comply with the provisions of this section and indicating the reason for the deficiency. Notice shall be served personally or sent by U.S. certified mail, return receipt requested, at the premises or at the last known address of the owner or, if neither of these is effective to actually notify the owner, by posting a copy thereof in a conspicuous place in or about the dwelling located on the property. Within ninety (90) days after the date of the village's notice, the owner shall be obligated to submit a plan for maintenance, repair or replacement of the culvert and, at such owner's sole cost, to carry out such corrective work. If the owner replaces a culvert in response to the village's notice, the village shall not require another culvert replacement on such property pursuant to this section for a period of twenty (20) years after the date of the first replacement unless the village agrees to pay for the cost thereof. Nothing in the preceding sentence shall bar the village from requiring the owner who has installed a new culvert to correct any deficiency of installation noted in the village's inspection report following installation.

E. Remedies: If within one hundred eighty (180) days after service of such notice from the village, the owner fails, neglects or refuses to comply with the provisions of this section and the notice demanding such compliance by the village, and if the culvert is located in the right of way of a public street, the village, or its duly authorized representative, shall have the right (but is not obligated) to correct any deficient installation or remove and replace the defective culvert and assess the cost thereof against the owner of such lot or parcel of land with an invoice describing the charges, and the amount of such invoice shall be paid by such owner to the village within thirty (30) days after the date of such invoice. If the invoice is not paid within the time provided, such charges shall be deemed and are hereby declared to be delinquent and thereafter such delinquency shall constitute a lien upon the real estate of the owner, provided that either the village clerk or the village attorney first notifies the owner in writing of the delinquency and grants the owner an additional fifteen (15) days from date of the written notification to pay the delinquent charges in full. If the delinquent invoice is not paid within the time provided in such written notification, then either the village clerk or village attorney of the village is hereby authorized and directed to file a notice of such lien in the office of the recorder of deeds of Bureau County, Illinois, which notice of lien shall consist of a sworn statement executed by the village president setting out the name(s) of the owner(s) of the real estate, a description of the owner's real estate, the amounts of monies due, and the date or dates when such amount or amounts became delinquent. When a notice of lien has been so recorded, the filing of such notice in the aforesaid office shall be deemed notice for the payment of all charges related to the compliance actions paid for by the village, the cost of recording the notice and such legal enforcement fees of the village, as are set forth from time to time in the fee schedule, which shall be charged to the owner and constitute a lien upon the real estate of the owner in addition to the amount of the delinquent invoice charge. The failure of the village clerk or the village attorney to record such notice of any such lien shall not affect the right of the village to foreclose the lien for the delinquent invoice or the right to pursue any other legal remedy.

14-2-8: PENALTY:

Any person violating any provision of this section shall be fined not less than two hundred dollars (\$200.00) or more than seven hundred fifty dollars (\$750.00) for each offense. Each day's continued violation shall be deemed a separate offense

14-2-9: EFFECTIVE DATE:

This ordinance shall be in full force and effect immediately upon its passage and adoption and shall remain in full force and effect until otherwise repealed or amended by action of the Village Board. Passed and Adopted on the 13th of June, 2023.

CHAPTER 3

PARKS

	Section:
Rules	14-3-1
Numosh Park	14-3-2
Penalty	14-4-3

14-3-1: RULES:

The rules for use of the parks located in the Village of Tiskilwa are:

1. No unauthorized vehicles are allowed on park grounds.
2. No bicycle riding is allowed inside park shelters.
3. No skateboards are allowed to be ridden inside park shelters.
4. No roller skating or rollerblading is allowed inside park shelters.
5. No glass bottles are allowed on park grounds.
6. Rest rooms are not to be used as a play area.
7. Water fountains are for drinking purposes only.
8. All refuse shall be placed in proper containers.
9. No snowmobiles are allowed on park grounds.
10. Parks close at 10:00 p.m. No one is allowed on park grounds after 10:00 p.m. except when an activity has been approved by the Village Board.
11. Anyone willfully damaging park property will be prosecuted.
12. Reservations are accepted for park shelters. The Reserved party is responsible for cleaning up the shelter area and locking the restrooms at the close of their event. Violation of any part of this ordinance is subject to a fine. If damage to park property occurs, the damage to the property would be the determination of the fine. (Ord. No. 0-5-93-9-14, passed September 14, 1993.

14-3-2 NUMOSH PARK RULES:

The Rules for use of Numosh Park in the Village of Tiskilwa are:

1. The park opens at 8am and closes at sunset.
2. Dogs must be at least 4 months of age to enter the park.
3. All dogs must have current vaccinations and must wear a collar with tags for proof thereof.
4. Spiked collars (with spikes protruding from the collar) are prohibited.
5. You must pick up your pet's waste and dispose of it in the provided waste containers
6. Aggressive dogs must be removed immediately.
7. Owners must be in the park and supervising their dog(s) AT ALL TIMES.
8. All children under 16 must be accompanied by an adult.
9. No smoking, food, or glass containers allowed in the park.
10. Dogs that are in heat, aggressive, or sick are not allowed.
11. Remember to keep your dog on a leash in all other areas of the Village.
12. Please fill any holes that your dog digs immediately.
13. Report any issues to the Village. In an emergency, call 911.
14. Dogs over 40lbs are advised to use the left area.
15. Dogs under 40lbs are advised to use the right area.

Owners who are not following Village and Park regulations will be fined and banned from future use of the park. Use the park at your own risk; owners are solely liable for the actions and consequences of their dog(s). (Ord. No. 0-3-22-7-19, Passed 7-19-22)

14-3-3: PENALTY:

Any owner found violating any provision of this chapter, upon conviction thereof, shall be punished by a fine of not less than \$50.00 for the first offense; \$75.00 for the second offense; and \$100.00 for the third offense and each offense thereafter within the first year; and each offense shall be determined per owner.

CHAPTER 4

BICYCLES

	Section
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Riding Two Abreast	14-4-6
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Yield right of way	14-4-13
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Racing	14-4-15
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14-4-1: STATE CODE:

It is unlawful for any person to do any act forbidden or fail to perform any act required in Article XV of Chapter 11 of the Illinois Revised Statutes, 1989.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Code.

14-4-2: TRAFFIC LAWS:

Traffic laws apply to persons riding bicycles. Every person riding a bicycle upon a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the Code, except as to special regulations in this Article XV and except as to those provisions of this Code which by their nature can have no application.

14-4-3: RIDING PROPERLY:

A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that an adult rider may carry a child securely attached to his person in a backpack or sling.

14-4-4: ATTACHMENT TO VEHICLE UNLAWFUL:

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

14-4-5: RIDING ON ROADWAY:

Any person operating a bicycle or motorized pedal cycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under the following situations:

A. When overtaking and passing another bicycle, motorized pedal cycle or vehicle proceeding in the same direction.

B. When preparing for a left turn at an intersection or into a private road or driveway.

C. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedal cycles, pedestrians, animals, surface hazards, or sub-standard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this subsection, a "substandard width lane" means a lane that is too narrow for a bicycle or motorized pedal cycle and a vehicle to travel safely side by side within the lane.

D. Any person operating a bicycle or motorized pedal cycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

14-4-6: RIDING TWO ABREAST ON ROADWAY:

Persons riding bicycles or motorized pedal cycles upon a roadway shall not ride more than 2 abreast, except on paths or parts of roadways set aside for their exclusive use. Persons riding 2 abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane subject to the provisions of Section 14-4-5.

14-4-7: CARRYING PACKAGES:

No person operating a bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times.

14-4-8: LAMP REQUIRED:

Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

A bicycle shall not be equipped with nor shall any person use upon a bicycle any siren. Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector conforming to specifications prescribed by the Department, on each pedal, visible from the front and rear of the bicycle during darkness from a distance of 200 feet.

No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of 500 feet and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least 3/16 of an inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size and the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the Department.

No person shall sell or offer for sale a new bicycle that is not equipped with an essential colorless front-facing reflector.

Every motorized pedalcycle, when in use at night time, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front, and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances from 100 feet to 600 feet to the rear when in front of lawful low-powered beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

14-4-9: IDENTIFYING NUMBER:

A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

14-4-10: POLICE INSPECTION:

A uniformed police officer may at any time upon reasonable cause to believe that a bicycle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle to stop and submit the bicycle to an inspection and such test with reference thereto as may be appropriate.

14-4-11: LEFT TURNS ACCORDING TO STATUTES:

A person riding a bicycle or motorized pedalcycle intending to turn left shall follow a course described in Section 11-801 in Chapter 95-1/2 of the 1989 Illinois Revised Statutes or as follows:

A. A person riding a bicycle or motorized pedalcycle intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist or motorized pedalcycle driver shall stop, as much as practicable out of the way of traffic. After stopping the person shall

yield to any traffic proceeding in either direction along the roadway such person had been using. After yielding, the bicycle or motorized pedalcycle driver shall comply with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed, and the bicyclist or motorized pedalcycle driver may proceed in the new direction.

B. Notwithstanding the foregoing provisions, the Department and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a specific course be traveled by turning bicycles and motorized pedal cycles, and when such devices are so placed, no person shall turn a bicycle or motorized pedalcycle other than as directed and required by such devices.

14-4-12: SIGNALING REQUIRED:

Except as provided in this Section, a person riding a bicycle shall comply with Section 11-804 of the 1989 Illinois Revised Statutes. A signal of intention to turn right or left when required shall be given during not less than the last 100 feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

14-4-13: YIELD RIGHT OF WAY:

A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic-control devices.

A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

14-4-14: PARKING:

A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic. A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed. A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed. A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

In all other respects bicycles parked anywhere on a highway shall conform with the provisions of this Code regulating the parking of vehicles.

14-4-15: RACING:

Bicycle racing on a highway shall not be unlawful when a racing event has been approved by State or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

14-4-16: FINES:

Anyone violating this ordinance shall be fined a sum of fifty dollars (\$50.00) for each offense.

14-4-17: SEPARABILITY:

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable. (Ord. No. 0-2-91-8-13, Approved August 13, 1991)