

CHAPTER 2

STREETS AND ROADS IN GENERAL

[2008 ORDINANCE]

6-2-1: Definitions:

- A. “Enforcement Officer” shall mean the following officials, in their priority according to the order named based upon their availability in each particular case: the Director of Village Maintenance, the Chairperson(s) of the Village Board’s Roads Committee, and/or the Village President.

- B. “Street(s)”, “road”, or “right-of-way(s)” shall mean the entire width between the boundary lines or right-of-way lines of every way publicly maintained by the Village of Holiday Hills when any part thereof is open to the use of the public for the purposes of vehicular travel, and shall also include areas not yet publicly maintained which already have been offered for dedication as a public street or public right-of-way for which dedication has not yet been accepted by the Village.

- C. “Public place” shall mean any public property, other than a road, street, or right-of-way, which is under the maintenance jurisdiction of the Village of Holiday Hills and accessible to the public.

- D. “Village” shall mean the Village of Holiday Hills.

6-2-2: Injury to Pavements:

It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or right-of-way pavement while the same is temporarily closed by sign(s) and/or barricade(s), or to knowingly injure any street pavement.

6-2-3: Littering:

It shall be unlawful to store or throw any refuse of any kind on any street, right-of-way or other public place.

6-2-4: Obstructions and Encroachments Generally.

It shall be unlawful for any person to cause, create or maintain any obstruction of, or encroachment upon any street, right-of-way or other public place, whether on, above or below ground level, except as may be specifically authorized by the Board of Trustees or their designee.

6-2-5: Sale or Display of Merchandise on Streets; Defacing:

It shall be unlawful for any person to use any street, right-of-way or other public place, as space for the sale or display of goods or merchandise for sale; or to write or mark, or to place any signs or advertisements on any such street, right-of-way or other public place, and any such merchandise, goods or signs may be removed summarily with or without notice by any Village official.

6-2-6: Closing of Certain Streets:

Whenever any road, street or highway, or parts thereof, under the jurisdiction of this Village, by reason of construction and/or repair activity, deterioration, flooding, and/or other conditions or circumstances, may be seriously damaged or destroyed by the use thereof by vehicles, and/or where a danger to the public exists, such road, street, or highway may, in the discretion of the Village President, Director of Village Maintenance, or the Chairperson of the Village Board's Roads Committee, be temporarily or permanently closed to all persons and/or vehicles, as the circumstances may require, other than emergency and utility repair vehicles and personnel by the posting of appropriate signage and/or barricades to give notice of such closing, and the use of any such closed road, street, or highway in violation of such signage shall be prohibited.

6-2-7: Certain Streets Closed to All Traffic:

- A. The following Village streets within the Village of Holiday Hills are hereby closed to all vehicular and pedestrian traffic except as permitted by this Section:
1. Oriole Trail from Riverview Drive to Grove Street,
 2. Fox Street from Riverview Drive to Grove Street,
 3. Fox Street from Grove Street to Park Terrace,
 4. Short Street from Sunset Drive to Beechnut Drive,
 5. Grove Street from Beechnut Drive to Riverview Drive,
 6. Riverview Drive from its intersection with Grove Street to its southerly terminus,
 7. Park Terrace from 600 feet South of Beechnut Drive South to its intersection with Riverview Drive, and
 8. Lake Drive from approximately 400 feet South of Hickory Street South to the southerly terminus of Lake Drive.
- B. However, such closing shall not be considered a vacation or an abandonment of these streets by the Village. The only exceptions to these street closings shall be as follows:

1. authorized emergency vehicles and emergency personnel at all times;
 2. pedestrian access for any lawful purpose between the hours of sunrise and sunset;
 3. any person or persons having any legal or beneficial interest in any property adjacent to or in any of said Village streets and/or the authorized agent of such persons may use such Village streets to gain pedestrian access to their respective properties for any lawful purpose between the hours of sunrise and sunset;
 4. any person or persons having any legal or beneficial interest in any property adjacent to any of said Village streets and/or the authorized agents of such persons may use such Village streets to gain vehicular access to their respective properties for any lawful purpose by appointment with the Director of Village Maintenance; and
 5. any person or persons specifically authorized to use said Village streets for vehicular access by the Board of Trustees, by the Village President or by the Director of Village Maintenance.
- C. Entrance to certain closed and/or gated unimproved Village streets and/or areas shall be made only by a key issued by the Village to open the respective access gate. The owner of the property within the restricted area may apply to the Village for a key to open the gate to said restricted area by completing a “Vacant Property Key Policy” application supplied by the Village. Said key is and shall remain the property of the Village and shall only be issued to and shall only be for the use of the owner of the property within the restricted area, and duplication of said key is strictly prohibited. A lost key may be replaced by the Village after payment to the Village by the property owner of a replacement fee of One Hundred Dollars (\$100.00), by cash, cashier’s check, or money order.
- D. The Director of Village Maintenance is hereby directed to immediately post signs and erect such barriers so to give reasonable notice of the closing of the aforesaid Village streets as provided by this Chapter.

6-2-8: Temporary Closing(s) of Streets.

- A. It shall be unlawful to disobey, disturb, or to interfere with any barricades, and/or signs lawfully placed to close or protect any road, street or right-of-way under the jurisdiction of the Village.
- B. Whenever any road, street or highway, or parts thereof, under the jurisdiction of this Village, by reason of construction and/or repair activity, deterioration, flooding, and/or other conditions or circumstances, may be seriously damaged or destroyed by the use thereof by vehicles, and/or where a danger to the public

exists, such road, street, or highway may, in the discretion of the Village President, Director of Village Maintenance, or the Chairperson of the Village Board's Roads Committee, be temporarily closed to all persons and/or vehicles, as the circumstances may require, other than emergency and utility repair vehicles and personnel by the posting of appropriate signage and/or barricades to give notice of such temporary closing, and the use of any such temporarily closed road, street, or highway in violation of such signage shall be prohibited.

- C. The Director of Village Maintenance is hereby directed to immediately post signs and erect such barriers so to give reasonable notice of the closing of the aforesaid Village streets as provided by this Chapter.

6-2-9: Restricted Areas; Vacant Property Key Policy:

No person shall enter upon any portion of any Village property where persons are prohibited from going by direction of any officer or employee of the Village as indicated by sign or notice, except as otherwise provided by this Chapter.

6-2-10: Security of Scaffolds, Ladders, Tools, Objects and/or Articles; Danger to Rights-of-Way and/or Other Public Places:

Any and all scaffolds and/or ladders shall be properly constructed, secured, and safeguarded, and it shall be unlawful to place or leave any scaffold, ladder, tools or equipment and/or other objects or articles in any position and/or on or adjacent to any road, street, and/or right-of-way or any public place in such a manner that such scaffold, ladder, tools, equipment and/or other object or article is located within and/or hangs over any road, street, and/or right-of-way or any other public place.

6-2-11: Insurance for Hazardous Activities:

It shall be unlawful for any person to engage in any work which involves the construction and/or maintenance of ladders, scaffolds and/or any other equipment, on, near, or overhanging any road, street, and/or right-of-way, and/or any other public place, or use any tools whatsoever on, near, or over any such road, street, and/or right-of-way, and/or any other public place without first obtaining the required permit from the Village and filing with the Village the required certificate of insurance for such work.

6-2-12: Harmful Deposits on Streets:

It shall be unlawful to deposit on any road, street, and/or right-of-way, and/or on any other public place any material or any waste material, or any glass, or any other articles which may damage or be harmful to the pavement thereof and/or which may be harmful to and/or cause injury to any person, animal or property.

6-2-13: Burning on Streets:

It shall be unlawful for any person to build, light, kindle, permit or maintain any fire on or within any road, street, right-of-way and/or other public place.

6-2-14: Drainage Onto Streets:

It shall be unlawful to construct or permit the construction of or the maintenance of any drain which discharges any polluted water or any harmful or unhealthy substance or effluent of any kind onto or into any road, street, right-of-way and/or other public place or directly into any public ditch or storm sewer unless approved in advance by the Enforcement Officer.

6-2-15: Street Drainage Facilities for New Construction:

- A. Cross Slopes: Ditch surfaces adjacent to new construction shall be seeded or sodded in accordance with the Standard Specifications for Road and Bridge Construction published by the Illinois Department of Transportation, and as amended from time to time (hereinafter “STSRB”). Any treatment other than turf adjacent to new construction must be approved by the Enforcement Officer, in accordance with the applicable provisions of this Chapter.
- B. Hydraulic Capacities of Ditches, Culverts, and Storm Sewers: The hydraulic capacity of ditches, culverts, storm sewers, and appurtenances within any road, street or right-of-way adjacent to new construction shall be maintained by the adjacent property owner in their existing condition unless approved by the Enforcement Officer or unless a permit for a modification has been obtained in accordance with this Chapter.
- C. Alteration of Ditches and Appurtenances: It shall be unlawful for any person to fill, excavate, or otherwise alter any Village drainage ditches and appurtenances within and/or adjacent to any Village road, street or right-of-way without first having obtained a permit in accordance with this Chapter. No posts, rocks or obstructions of any kind may exist in ditch areas within any road, street or right-of-way unless approved by the Board of Trustees.
- D. Construction and Material Specifications of Driveway Culverts:
 - 1. Minimum 12” internal diameter, and manufactured of 14 ga. galvanized steel complying with IDOT STSRB, or of such other material of equivalent strength and durability as approved by the Enforcement Officer shall be used within and/or adjacent to any road, street or right-of-way. The size of all culverts within any road, street or right-of-way shall be approved by the Enforcement Officer.

2. Culverts shall extend a minimum of one (1) foot beyond and on either side of the paved portion of the driveway. The cross-slope over the culvert shall be no greater than 3:1 unless an approved headwall is used. The maximum culvert length shall be forty (40) feet.
 3. The size, the invert, and pipe slope of any culvert within and/or adjacent to any road, street or right-of-way shall be approved in advance by the Enforcement Officer.
 4. Curbing in Right-of-Way: Curbing shall not be permitted within and/or adjacent to any road, street or right-of-way unless approved by the Board of Trustees.
- E. Private Facilities: Except as otherwise provided herein, it shall be unlawful to construct or to maintain any private underground or above-ground facilities for storm water, potable water supply, waste water, irrigation, any private electrical, or any other private facilities or improvements within any part of any road, street or right-of-way of the Village, except as may be specifically authorized by the Board of Trustees or their designate, provided, however, (1) sump pump drainage may be constructed and maintained within a road, street or right-of-way if approved in advance by the Village President, or his or her designate; and (2) facilities owned and maintained by the Village or by other public utilities having a franchise granted by the Board of Trustees.

6-2-16: Street Shoulders and Parkways:

- A. Design: Shoulders of streets and right-of-ways shall be constructed and maintained so as to conform to the applicable provisions of the McHenry County Subdivision Regulations, as amended from time to time, which Subdivision Regulations are hereby incorporated by reference into this Code.
- B. Obstructions in Shoulders: There shall be no objects placed within the shoulder areas of any road, street or right-of-way other than duly authorized traffic signs and utility facilities, and other than mailboxes meeting the requirements of Section 6-2-17 of this Chapter. No mailbox other than one meeting such requirements shall be placed or maintained in any street or right-of-way.
- C. Parkway Treatment: Parkway surfaces within roads, streets and right-of-ways shall be seeded by the building permit holder after completion of the residence and prior to the issuance of a final occupancy permit. No light standards, posts, rocks, or obstructions other than a mailbox may exist in the parkway areas. Exceptions to this provision are traffic control signs; street signs; approved parkway trees in accordance with the applicable provisions of the McHenry County Subdivision Regulations, as amended from time to time; and facilities owned and maintained by the Village or by other public utilities having a franchise granted by the Board of Trustees.

- D. Overhanging Branches; Bushes: Owners of premises abutting such roads, streets or right-of-ways shall remove overhanging branches and/or any bushes or vegetation which impairs and/or interferes with traffic, safe transit, and/or the safe sight lines of a vehicle operator pursuant to Chapter 4 of this Title.

6-2-17: Mailboxes: Permits shall not be required for the installation in public rights-of-way of mailboxes and supporting structures meeting the requirements of the United States Postal Service and subject to the following conditions:

- A. The installation shall not conflict with existing or proposed public and private utilities.
- B. The mailbox and supporting post shall be placed so as to comply with United States Postal Service regulations as they exist from time to time, but, in any event:
1. The post shall be no closer than eighteen inches (18") from the back of the curb or edge of the pavement if there is no curb; and
 2. The face of the mailbox shall not be closer than twelve inches (12") from the back of the curb or edge of the pavement if there is no curb.
- C. All mailboxes within public rights-of-way shall be set upon wood, hollow metal or plastic posts not to exceed six inches (6") in diameter. The use above the surface of the ground of metal posts greater than six inches (6") in diameter, concrete posts or brick structures for support of the mailboxes is prohibited.
- D. The owner shall be responsible for all costs of installing and maintaining the mailbox.
- E. Any mailbox support which does not comply with the provisions of this Section shall be immediately removed or brought into compliance with this Section.

6-2-18: Franchise Agreement:

No person, firm, company, corporation or association shall construct, install, maintain or operate any equipment including, but not limited to, water mains, valves, poles, wires, fiber optic cables, underground conduits, ducts, manholes and other structures or appurtenances in, upon, along, across, above, over, under or in any manner connected with the roads, streets, right-of-ways, or other public places within the corporate limits of the Village unless a franchise agreement has first been obtained from the corporate authorities of this Village.

6-2-19: Criminal Damage to Public Property: A person commits the offense of criminal damage to public property in the following instances:

- A. He knowingly damages any property supported in whole or in part with public funds or belonging to any governmental body;
- B. He knowingly, by means of fire or explosive damages property supported in whole or in part with public funds or belonging to any governmental body;
- C. He knowingly starts a fire on property supported in whole or in part with public funds or belonging to any governmental body;
- D. He knowingly deposits on land or in a building supported in whole or in part with public funds or belonging to any governmental body without the consent of such governmental body any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.

6-2-20: Criminal Trespass to Public Property:

- A. It shall be unlawful for any person to enter and/or to remain upon land supported in whole or in part with public funds or belonging to any governmental body or any building on such land, after receiving immediately prior to such entry, notice that such entry is forbidden.
- B. A person has received notice within the meaning of Subsection A if such person has been notified personally, either orally or in writing, or if a printed or written notice forbidding entry has been conspicuously posted or exhibited anywhere on such land or the forbidden part thereof.