

## **Chapter 43**

### **STREETS AND SIDEWALKS**

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**[HISTORY: Adopted by the Board of Trustees of the Village of Walton as indicated in article histories. Amendments noted where applicable.]**

**ARTICLE I**  
**Use Regulations**  
**[Adopted 1-12-1905]**

**§ 43-1. Racing horses; reckless driving; driving on sidewalks.**

- A. No person shall be engaged in, or the party to, the racing of any horse, team or animal in or upon any of the streets of the Village; nor shall any person be engaged in any fast or reckless driving or riding upon any of the streets of the Village; nor shall any person ride or drive or go upon any sidewalks of the Village with a horse or team, or with a vehicle intended for, or suitable to be used upon, the public highway.
- B. Any violation of this section constitutes disorderly conduct, and any person violating the same or participating in its violation is a disorderly person and, upon conviction thereof, shall be punished by a fine of not more than \$25 or by imprisonment of not to exceed 30 days, or by both such fine and imprisonment.

**§ 43-2. Playing ball or coasting in streets; exemption authorized. <sup>1</sup>**

- A. No person or persons shall play ball or throw and catch ball, or throw any ball with the intent that it shall be caught by himself or another, in any of the public streets, sidewalks or alleys of the Village.

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1. Editor's Note: On 5-5-1905 this section was amended as follows: "Resolved that the Village bylaws be and hereby are amended as follows, viz: Article II, Section 2, add the words 'excepting Liberty Street and Park Street.'"

- B. No person or persons shall coast in or upon any of the streets of the Village; nor shall any person ride upon any vehicle, sled, bobs or other means of conveyance which is propelled or obtains its momentum by descending a grade or incline in any of the streets of the Village.
- C. The Board of Trustees may by resolution exempt any street or streets of the Village from the operation of this section or any of the provisions thereof for such period of time as they may deem proper.
- D. Any violation of any of the provisions of this section constitutes disorderly conduct, and any person violating the same or participating in its violation is a disorderly person and, upon conviction thereof, shall be punished by a fine not exceeding \$10 or by imprisonment not exceeding 10 days, or by both such fine and imprisonment.

**§ 43-3. Obstructions in streets; exceptions.**

- A. No person shall place or leave any obstruction in or upon or over any of the streets or highways of said Village within the outer line of said streets or highways; except that the President of the Village<sup>2</sup> may by written permit authorize the use of a part of the street by the adjacent landowner for the assembling of building material and its reasonable use in connection with the erection of a building upon said street, in which case the permit shall specify the space, manner and length of time of occupancy, and may, as a condition thereof, direct therein how and in what manner the public shall be protected against injury by such obstruction; except, also, the President of the Village may by written permit authorize the moving of any building upon any of the streets or highways of the Village, in which case the permit shall specify the streets along which the building may be moved, and also provide what notice or warning shall be given to the public to avoid injuries thereby.

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2. Editor's Note: Now termed the Mayor.

- B. Any violation of this section is disorderly conduct, and any person violating the same or participating in its violation is a disorderly person and upon conviction therefor shall be punished by a fine of not to exceed \$20, or by imprisonment for not to exceed 30 days or by both such fine and imprisonment; and in addition thereto shall be subject to a penalty of \$25 to be recovered in a civil action by the Village.

**§ 43-4. Advertisements on bridges, fences, etc.; exception.**

- A. No person shall paint, paste or write any notice or advertisement upon any bridge, sidewalk, fence or erection upon or along any of the streets of the Village; nor in any manner mar or deface any such fence, sidewalk, bridge or erection; nor shall any placard, bill, advertisement, notice or playbill, nor any written or printed paper, be attached, pasted or affixed upon any tree, telegraph, telephone or electric light pole, or upon any post, fence, sidewalk, building, showboard or other erection within the streets or public places of the Village, except upon such boards as shall be provided for that purpose by the Board of Trustees of the Village or designated by the written permit of the President of the Village.
- B. Any violation of this section constitutes disorderly conduct, and any person violating the same or participating in its violation is a disorderly person and, upon conviction therefor, shall be punished by a fine of not to exceed \$10 or by imprisonment of not to exceed 10 days, or by both such fine and imprisonment.

**§ 43-5. Hitching posts; utility poles; exception.**

- A. No hitching post shall be set up or maintained upon the premises occupied by any hotel, store, residence or public place, within the outer street line of any street of the Village, except specifically authorized by a resolution of the Board of Trustees of the Village; nor shall any

additional telegraph, electric light or telephone poles be erected in the streets of the Village; nor shall any additional telegraph or telephone wires be erected or stretched across, upon, over or along any street of the Village, except by virtue of the provisions of a resolution of the Board of Trustees of the Village duly made and entered.

- B. Any violation of this section shall subject the party or company violating the same to a penalty of \$25, and in addition to the penalty prescribed, the violation of this section shall constitute disorderly conduct, and any person violating the same or participating in its violation is a disorderly person and, upon conviction therefor, shall be punished by a fine of not to exceed \$10 or by imprisonment of not to exceed 10 days, or both such fine and imprisonment.

**§ 43-6. Steam escaping into streets.**

- A. No person or corporation shall cause any steam from any boiler or engine exhaust to be blown or allowed to escape into, upon or over any of the streets or public highways of the Village.
- B. A penalty of \$25 is hereby imposed for each violation of this section.

**§ 43-7. (Reserved) <sup>3</sup>**

**§ 43-8. Removal of snow and ice from sidewalks.  
[Amended 1-9-1984 by L.L. No. 1-1984; 4-18-1994 by L.L. No. 2-1994; 6-1-2009 by L.L. No. 4-2009]**

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3. Editor's Note: Former § 43-7, Locomotives blocking crossings, was repealed 2-2-2009 by L.L. No. 1-2009.

- A. Removal from sidewalks; duty of owner or occupant. It shall be the duty of the owner and occupant of each and every parcel of real estate in the Village abutting or bordering upon any street, avenue, highway or other public place to remove or cause to be removed all snow and ice from the sidewalk in front of or adjacent to such premises to the full paved width of such sidewalk before 9:00 a.m. of each day; provided, however, that where footways or sidewalks have not been paved or duly established, snow and ice shall be removed to a width of not less than four feet from that portion of the street or way which is used in common as a footway in such street or way.
- B. Use of ashes, sand, similar material. In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, the owner and occupant of every parcel of said real estate shall, within the time specified in the preceding subsection, cause the sidewalk abutting or adjacent to such premises to be strewn and to be kept strewn with ashes, sand or some other suitable material and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalk.
- C. Authority of Code Enforcement Officer to cause removal; assessment of cost of removal by Village. Whenever any owner or occupant of such parcel of real estate shall fail or neglect to remove such snow and ice as aforesaid, the Code Enforcement Officer may have the snow and ice removed therefrom without notice to such owner or occupant, and the cost of such removal, together with an additional charge of 50% thereof for supervision and administration, shall be assessed against such property, and the same shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the general Village tax and as a part thereof.

**§ 43-9. Injuring trees adjacent to street.**

- A. No person shall mark, deface, cut or injure any tree in or adjacent to any street, lane, highway or park of the Village, nor shall any person tie or hitch any horse, mule or other animal to such tree or shrub.
- B. Any violation of this section constitutes disorderly conduct, and any person violating the same is a disorderly person and, upon conviction therefor, shall be punished by a fine of not to exceed \$20 or by imprisonment for not to exceed 30 days, or by both such fine and imprisonment.

**ARTICLE II**  
**Signs and Awnings**  
**[Adopted 9-24-1892]**

**§ 43-10. Extending over sidewalks and streets; exceptions.**

- A. No sign or signboard shall be placed or kept over the streets or sidewalks of said Village within the outer line of such streets, nor shall any awning or other projection extend over or within the outer street line, or so that a perpendicular line from such awning or projection will fall within such outer street line, except by permit granted by resolution of the Board of Trustees; provided, however, that the President of the Village<sup>4</sup> may by his written permit allow party emblems or flags to be stretched across any street, subject to such restrictions, as to height above the street or other restrictions, as he may prescribe in such permit; and provided further that on any public day or on any celebration or tournament day, the President of the Village, in writing, may permit the erection in the streets at such places as shall be designated in such permit, of any arch or other device, or the hanging of banners and flags upon, over and along such streets.

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4. Editor's Note: Now termed the Mayor.

- B. Any such placing upon or overhanging on such streets in accordance with such permit shall not be held a violation of this section.
- C. A penalty not exceeding \$10 and not less than \$2 is hereby imposed for a violation of any of the provisions of this section, and an additional penalty, not exceeding \$1 for every day such obstruction shall remain after notice to remove the same has been given by the President or any member of the Board of Trustees of the Village.

**ARTICLE III**  
**Laying Out Streets**  
**[Adopted 9-24-1892]**

**§ 43-11. Authorization; expense.**

The Trustees of the Village are hereby authorized and directed to lay out and cause to be opened such new streets as they may deem necessary or proper for the present or probable future need of the Village, proceeding in the matter as provided by statute, all expense incurred in the purchase or condemnation of land for such street to be a charge upon the Village of Walton, to be raised by a tax thereon, as now provided by law.

**§ 43-12. Expenditure of funds: prior laying out required.**

No public money or labor shall be expended by the Trustees or Street Commissioner of the Village upon any so-called street, alley or lane, until the same shall have been duly laid out and recorded as a public highway or street of the Village.