

Chapter 4. General Prohibitions and Requirements**§7401. Dumping snow or ice on public ways prohibited**

- (a) No person shall shovel, plow, shoot, or otherwise place, dump, or throw any snow or ice from private property onto any Village street, highway, or sidewalk.
- (b) No person shall allow an agent or employee to shovel, plow, shoot, or otherwise place, dump, or throw any snow or ice from property owned or occupied by such person onto any Village street, highway, or sidewalk.

History:

1996 Amendment. Section was amended generally by revising subsections (a) and (b) and by deleting the former penalty subsection, by section 13 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§7402. Owner required to remove snow and ice from Village sidewalks

- (a) Owners of property abutting a Village sidewalk shall cause said sidewalk to be cleared of accumulated snow or ice or otherwise rendered safe for pedestrian traffic to a minimum width of three feet within twenty-four hours of such accumulation.
- (b) The Village may cause any sidewalk or portion thereof to be cleared of such accumulation, any snow or ice has not been cleared or maintained as required in section (a) of this section, in which event the Village shall have the right to recover its actual expenses incurred for such snow and ice removal and/or maintenance, by action of contract on this subsection. Nothing in the ordinance shall preclude the Village, acting by and through its police department, from giving property owners warnings of the impending twenty four hour enforcement timeline.
- (c) Any person who shall violate subsection (a) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor whether or not the Village takes the remedial action provided in subsection (b) of this section.
- (d) Any person who shall refuse or neglect to pay any reimbursement which is due pursuant to subsection (b) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor. This offense is separate from and in addition to the offense set forth in subparagraph (c) of this section.

History:

1996 Amendment. Subsections (c) and (d) were amended generally by section 14 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

2004 Amendment. Subsection (b) was amended to increase rate from twenty-five dollars to forty dollars and to add clarity to the subsection by the first provision of Woodstock Village Ordinance Revision #21, adopted by the Board on June 28, 2004, effective August 26, 2004.
Revision note: open parentheses were added to subsection references to conform style.

§7403. Removal of fallen snow and ice; penalty

- (a) Owners of buildings and/or structures from which snow and/or ice have fallen upon a Village street or public parking area shall cause said street and/or parking area to be cleared of such snow and/or ice within twenty-four hours.

(b) The Village may cause any street or public parking area or any portions thereof to be cleared of snow or ice which has fallen from private buildings or structures if, after twenty-four hours, the same has not been cleared as required in subsection (a) of this section, in which event the Village shall have the right to recover its expense for such snow or ice removal and/or maintenance at the rate of forty dollars per hour or portion thereof by action of contract on this subsection.

(c) Any person who shall violate subsection (a) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor whether or not the Village takes the remedial action provided in subsection (b) of this section.

(d) Any person who shall refuse or neglect to pay any reimbursement which is due pursuant to subsection (b) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor. This offense is separate from and in addition to the offense set forth in subparagraph (c) of this section.

History:

1996 Amendment. Subsections (c) and (d) were amended generally by section 15 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Revision note: catchline was amended to delete reference to penalty, which is now covered by Chapter 3 of Title 1, W.V.O.

2004 Amendment. Subsection (b) was amended to increase rate from twenty-five dollars to forty dollars and to add clarity to the subsection by the second provision of Woodstock Village Ordinance Revision #21, adopted by the Board on June 28, 2004, effective August 26, 2004. Revision note: open parentheses were added to subsection references to conform style.

§7404. Horses on Village sidewalks prohibited; exceptions

(a) No person shall ride or walk a horse on any Village sidewalk.

(b) No person shall lead, direct, or allow a horse to stand on or traverse any portion of a Village sidewalk.

(c) Subsections (a) and (b) of this section shall not apply to a person who must, of necessity, cross a Village sidewalk with a horse to gain access to private property when riding or walking such horse provided, at the time of such crossing, the horse is kept under the control of such person, such crossing is made by the shortest route possible, and due regard is given for the safety of pedestrians using the sidewalk.

(d) [Repealed]

History:

1996 Amendment. Subsection (d) was repealed by section 1(M) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§7405. Duty to maintain driveway culverts

(a) Within seven days of receipt of written notice from the Village Manager therefor, a property owner shall cause any culverts existing under any driveway on his or her property to be cleared of all debris, ice, and other obstructions.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(N) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Caption was revised accordingly.

§7405a. Display of merchandise on or over sidewalks prohibited; exceptions

(a) No person shall place, display, or maintain, or cause to be placed, displayed, or maintained, any merchandise offered for sale, or offered as a sample of merchandise being offered for sale, upon or over any Village sidewalk.

(b) The provisions of this section shall not apply to any person acting under the authority of and pursuant to a valid license or permit issued under any provisions of the Woodstock Village Ordinances when such license or permit specifically authorizes such act, nor shall they apply to any person with respect to the placement or maintenance of newsracks as defined in W.V.O. §6102(2) or of any other newspaper racks or magazine racks.

(c) [Repealed]

(d) [Repealed]

History:

1996 Amendment. Section number was redesignated and subsections (c) and (d) were repealed by section 16 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Caption was revised accordingly.

§7406. Hanging items from awnings over sidewalks prohibited

(a) No person shall hang or maintain, or cause to be hung or maintained, any sign, plant, decorations, or other item or items from any awnings or structures supporting awnings extending over any Village sidewalk, nor shall any person place or maintain, or cause to be placed or maintained, any item or items upon or in any manner attached to any such awnings or structures.

(b) [Repealed]

(c) [Repealed]

History:

1996 Amendment. Subsections (b) and (c) were repealed by sections 1(O) and (P), respectively, of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Caption was revised accordingly.

§7407. Plants, planters and window boxes on or above sidewalks; protection of sidewalk use

(a) No person shall place or maintain, or cause to be placed or maintained, any plants, window boxes, or planters on or above Village sidewalks in such manner as will obstruct the reasonable use of a Village sidewalk by pedestrians. This provision applies whether the plants are real or artificial.

(b) For purposes of this section, maintaining plants in a window box or planter which, together with any supporting structure, does not extend further than one foot onto or over the sidewalk from the side of the building to which such object is attached or to which

such object is near shall not be deemed to obstruct the reasonable use of a Village sidewalk by pedestrians provided all plants in said window box or planter shall be maintained so as not to extend more than one foot and six inches from the side of the building and further provided no other hazard exists with respect to the box, planter, or plant.

(c) This section shall not apply when the same act constitutes a violation of section 7406(a) of this chapter.

(d) Placement and maintenance of plants, window boxes, or planters in compliance with this section shall not require a permit under section 7407a of this chapter. Any such objects not in compliance with this section but proposed to be placed on the sidewalk nevertheless, shall require a permit under section 7407a of this chapter.

History:

1996 Amendment. Subsections (d) and (e) of original §7407 now replaced by 2002 Amendment were repealed by sections 1(Q) and (R), respectively, of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Caption was revised accordingly.

2002 Amendment. Original §7407 was amended generally, including caption, by section 1 of Woodstock Village Ordinance Revision #15, adopted by the Board on June 27, 2002, effective August 23, 2002.

§7407a. Placement or maintenance of objects on sidewalks prohibited; permits for limited uses; standards; exceptions

(a) No person shall place or maintain, or cause to be placed or maintained, any object of any kind on a Village sidewalk unless expressly authorized by permit issued for limited purposes pursuant to this section or unless expressly authorized by any other section of the Woodstock Village Ordinances and any required license or permit issued thereunder. Certain special exemptions are set forth in subparagraph (e) of this section.

(b) Upon proper application therefor, the Board or its designee may issue permits for the placement and maintenance of certain objects on a Village sidewalk for the purposes and in accordance with the standards set forth in subsection (c) of this section. Permits may include conditions to ensure compliance with the standards set forth herein and protection of the public safety. Permits may also include time limitations both as to the duration of the permit and as to specific times during the permit period when the objects must be removed or special precautions must be taken. All permits shall contain a provision that the permit lapses and all permission thereunder terminates upon the effective date of any amendment to this section or other related bylaw which would render the object not in compliance with the updated provisions. All permits hereunder are issued subject to changes in standards, procedures, and other provisions and no person shall be entitled to compensation for any expenses needed to remain in compliance with changing provisions.

(c) The Board or its designee shall apply the following standards in connection with its decisions regarding issuance of permits hereunder and imposition of any conditions:

(1) Permits may be issued only for window boxes and planters proposed for placement on the Village sidewalk but not exempted under section

7407 of this chapter, for benches intended for transient seating by the general public, and for steps and ramps intended for access to a building. Objects accessory to such items may also be permitted. No other objects shall be permitted on Village sidewalks, whether or not currently existing. Existing objects on the sidewalk are not grandfathered except as provided in subparagraph (e) of this section. For purposes of this provision, the word "bench" means a wood and/or metal seat optionally with a full length back extending at least 15 inches high measured from the plane of the seat, and arms at each end, having a seating area at least 54 inches long and 15 inches deep.

(2) The exact location of the object shall be regulated so as to provide a corridor at least five feet wide for unimpeded pedestrian traffic on the sidewalk. Accordingly, no point on the object for which a permit is sought shall be within a radius closer than five feet from any point on any meter, tree, signpost, lightpost, trash can, or similar object placed by the Village from time to time (specifically including the center hole of any grate or other envelop or buffer area not paved like the surrounding sidewalk area), or within a radius closer than five feet from the street edge of any portion of the sidewalk curb.

Also, no point on the object for which a permit is sought shall be within a radius closer than five feet from any ramp in the sidewalk intended for access to a crosswalk whether or not the crosswalk is in existence at the time of the application. Also, no point on the object for which a permit is sought shall be within a radius closer than five feet from any steps ramps and their associated railing intended for access to a building.

The object shall be placed next to the building owned or leased by the applicant, and not across the sidewalk or otherwise away from such building. Applicants shall include a sketch showing dimensions and proposed location of object sufficient to prove compliance with the distance regulations of this subsection, and, with respect to a bench, the minimal measurement requirements set forth in subparagraph (1) above.

(3) The object shall be stationary and free standing.

(4) The object must not have conditions which could reasonably be considered a danger or hazard to the public safety such as sharp edges or thorns. Chains for securing the object may or may not be allowed depending upon analysis of safety concerns.

(5) The object shall at all times be maintained in good repair and condition.

(6) The object and its placement shall be in compliance with all other applicable ordinances and state laws if any. Any required governmental permit shall be issued (although it may be subject to appeal) prior to applying for the permit hereunder and such permit(s) shall be attached to the application. Any permit issued under this section may be conditioned upon such other permit(s) being in full force and effect and fully complied with. The placement of any object for which a permit is issued under this

section shall not interfere with the proper placement of any other object lawfully situated on the Village sidewalks.

(7) No words, numbers, advertising logos or other writings or symbols shall be placed on the object, and nothing shall be allowed to be attached to the object which is not part of the originally permitted object. The object shall not become a sign or advertisement for the business operated by the applicant or lessee. This provision is not intended to prohibit an object with general manufacturer logo or words placed on it by the manufacturer.

(8) Applicant shall provide a certification by an insurance company licensed to do business in this state that the person or entity for which a permit is sought is presently insured in an amount reasonably sufficient to cover any liability and/or risk which might reasonably be expected to arise by reason or in consequence of the placement of the object on the sidewalk and that the insurance company will notify the Village Manager in the event such insurance is canceled for any reason whatsoever.

(9) Applicant shall, and does hereby, agree to hold the Village harmless from any and all claims for damages from whatsoever cause incidental to the exercise of the permission to place an object on the Village sidewalk, including without limitation claims of third parties, which agreement to indemnify shall also include court costs and reasonable attorney fees incurred by the Village to defend against said claims or to enforce this indemnification.

(10) Applicant shall grant permission for immediate removal of violating objects after seven days prior notice in writing to the permit holder, provided, however, objects causing a substantial or demonstrated safety hazard (including without limitation any failure to maintain the required corridor width as set forth in subsection (2) above) may be removed immediately with notice as soon as practicable thereafter. All notices shall include a description of the action taken and the place of storage. Applicant shall agree in advance to pay the Village's actual moving and storage costs for the exercise of its removal rights hereunder. The Village shall not be responsible for damage to the object removed whether the damage occurs in the removal or storage process. Applicant shall indemnify the Village from any liability for such damage.

(11) Permits shall only be issued to legal owners or current legal occupants of the building adjoining the sidewalk area where the objects are to be placed. Applicants shall provide reasonably acceptable proof to verify such status. A permit shall terminate automatically upon termination of such status, without further notice. For example, upon termination of lessee status, the lessee's permit will automatically terminate and all objects remaining on the sidewalk covered by the permit shall no longer enjoy the benefits of the permit and must be removed immediately.

(d) Applications shall be made to the Board or its designee on forms from time to time provided for such purpose. A processing fee of \$25 shall be submitted with each application, provided, however, the fee may be waived for minor (for example, applications regarding existing sidewalk objects), corrective, or supplemental applications or for applications by non-profit organizations from Woodstock in the discretion of the Board or its designee. The application and fee should be submitted to the office of the Village Manager.

(e) In addition to the exemptions referred to in subparagraph (a) of this section, this section shall not apply to the following objects placed on Village sidewalks:

(1) Steps and ramps as currently existing on Village sidewalks shall not require a permit under this section, however a permit shall be required for any change in design of the steps or ramp and a permit shall also be required for any expansion of the area of sidewalk involved.

(2) Permits granted for steps and ramps shall not contain an expiration date but may be terminated for cause.

(3) Objects placed and maintained upon Village sidewalks pursuant to direction of the Board, such as trees, signs, grates, and meters shall not require a permit under this section.

(4) Window boxes and planters which are exempt as provided in section 7407(d) of this chapter shall not require a permit under this section.

(5) Existing objects for which a permit is required hereunder, shall be allowed to remain in place without permit for a period of 90 days from the original effective date of this section.

(f) No person on whose behalf a permit is issued under this section shall violate any term or condition contained in such permit or allow others to violate any such term or condition. The fact that the alleged violation or any prior violation resulted in the termination of the permit and any rights thereunder shall not constitute a defense to an action brought under this subsection. Joint permittees shall be jointly and severally responsible for the violations(s) referred to in this subsection regardless of the identity of the actual violator and whether or not the actual violator is the agent or invitee of the permittee and whether or not the permittee knows of the violation at the time it was originally committed. This subsection shall not apply unless written notice of the alleged violation(s) is sent to the person against whom enforcement is sought at least 7 days prior to the commencement of any enforcement action, nor shall this subsection apply if such person cures the alleged violation(s) within such 7 day period.

(g) The Village may remove or cause to be removed any and all objects placed on a Village sidewalk in violation of this section, provided, however, written notice of the alleged violation(s) shall be sent to the owner of the adjoining building (or known lessee) at least 7 days prior to such removal, and this subsection shall not apply if such owner (or known lessee) cures the alleged violation(s) within such 7 day period. Notwithstanding the foregoing, if an object is causing a substantial or demonstrated safety hazard (including failure to maintain the required corridor) the Village may remove such object, or cause it to be removed, immediately with notice as soon as practicable thereafter. All notices shall include a description of the action taken and the place of storage. The claimant for the object shall be responsible for all actual moving and storage costs of the

Village for the exercise of its removal rights hereunder. In any event, the Village shall not be responsible for damage to the object removed whether the damage occurs in the removal or storage process.

History:

2002 Amendment. Section 7407a was added by section 2 of Woodstock Village Ordinance Revision #15, adopted by the Board on June 27, 2002, effective August 23, 2002.

§7408. Sound amplifying devices

(a) No owner or lessee of a building or portion thereof shall, on a regular basis, operate a record, stereo, disk, tape, or other sound amplifying speaker or device, the sound from which is primarily intended to be and is projected from such building or portion thereof or from the lot upon which such building is situated so as to be heard by pedestrians on any portion of the Village sidewalks within a radius of twenty-five feet from any portion of such lot.

(b) For purposes of this section the phrase "on a regular basis" shall mean more than twenty days in any calendar year.

(c) The prohibition contained in this section shall not apply to an owner or lessee which is a public, educational, religious, charitable, or other not-for-profit organization provided the building or portion thereof or land involved is used exclusively for any such not-for-profit purpose and the speaker or device is not so operated in excess of thirty minutes a day.

History:

1996 Amendment. Former subsections (c) and (d) were repealed by sections 1(S) and (T), respectively, of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

Second 1996 Amendment. Section was amended generally by adding "or portion thereof" after the first two occurrences of the word "building" in subsection (a), by rewording the final clauses of subsection (a), by adding a new subsection (c) providing an exemption for not-for-profit organizations to replace the former subsection (c), and by deleting entirely any reference to former subsection (d), by section 1 of the Woodstock Village Ordinance Revision #6, adopted by the Board on August 26, 1996, effective October 25, 1996.

This Ordinance revision of TITLE 7 is hereby adopted by the Board of Village Trustees of the Village of Woodstock on this, the day 8th of August, 2017 and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

VILLAGE OF WOODSTOCK
BOARD OF TRUSTEES

Jeffrey Kahn

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Cary Agin

Keri Cole

Serena Nelson