

Chapter 182
STREETS AND SIDEWALKS

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[**HISTORY: Adopted by the Board of Trustees of the Village of Caledonia: Art. I, 10-6-1981 by L.L. No. 2-1981 as Ch. 87, Art. I, of the 1981 Code; Art. II, 10-6-1981 by L.L. No. 2-1981 as Ch. 16, Art. I, of the 1981 Code. Amendments noted where applicable.**]

GENERAL REFERENCES

Open containers on streets and sidewalks — See Ch. 53.

Snowmobiles — See Ch. 172.

ARTICLE I
Obstruction of Streets

[Adopted 10-6-1981 by L.L. No. 2-1981 as Ch. 87, Art. I, of the 1981 Code]

§ 182-1. Obstructions prohibited.

No person shall in any way obstruct, encumber or occupy or consent to or aid in the obstruction, encumbrance or occupation of any street, lane, alley, sidewalk or part thereof in the Village of Caledonia except as may be necessary for the erection or repair of any building or the loading or unloading of vehicles and the carrying away and storage of the contents, provided that a passageway for the accommodation of pedestrians is kept clear at all times.

§ 182-2. Permit for sidewalk sales.

A property owner in a business area shall be permitted to temporarily place items for sale on the sidewalk in front of his premises by obtaining a permit for such activity from the Village Clerk. Such permit shall specify the date and time when and the location where such sale is to be conducted.

§ 182-3. Penalties for offenses.

Any person committing an offense against any provision of this Article shall be guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this Article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE II

Notification of Defects

[Adopted 10-6-1981 by L.L. No. 2-1981 as Ch. 16, Art. I, of the 1981 Code]

§ 182-4. Highways, bridges or other village property.¹

No civil action shall be maintained against the Village of Caledonia (hereinafter referred to as the "village") or the Superintendent of Public Works of the village or the person performing such duties or against any improvement district in the village for damages or injuries to persons or property (including those arising from the operation of snowmobiles) sustained by reason of any highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the village or any property owned, operated or maintained by any improvement district therein, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the village or any property owned, operated or maintained by any improvement district was actually given to the Village Clerk of the village or the Superintendent of Public Works of the village or the person performing such duties, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or any other property owned by the village or any property owned by any improvement district in the village unless written notice thereof, specifying the particular place, was actually given to the Village Clerk of the village or the Superintendent of Public Works of the village or the person performing such duties and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 182-5. Sidewalk defects; snow and ice removal.²

No civil action will be maintained against the village and/or the Superintendent of Public Works of the village or the person performing such duties for damages or injuries to persons or property sustained by reason of any defect in the sidewalks of the village or in consequence of the existence of snow or ice upon any of its sidewalks unless such sidewalks have been

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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

constructed or are maintained by the village or the Superintendent of Public Works of the village or the person performing such duties pursuant to statute, nor shall any action be maintained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Village Clerk of the village or to the Superintendent of Public Works of the village or the person performing such duties and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after receipt of such notice.

§ 182-6. Submission of notices to Clerk.³

The Superintendent of Public Works of the village or the person performing such duties shall transmit, in writing, to the Village Clerk of the village, within three (3) days after receipt thereof, all written notices received by him pursuant to this Article, and he shall take any and all corrective action with respect thereto as soon as practicable.

§ 182-7. Record of notices.⁴

The Village Clerk of the village shall keep an index record, in a separate book, of all written notices which the Village Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon or of an accumulation of ice and snow upon any village highway, bridge, culvert or a sidewalk or any other property owned by the village or by any improvement district, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received. The record of such notice shall be preserved for a period of five (5) years from the date it is received. The Village Clerk, upon receipt of such written notice, shall immediately and in writing notify the Superintendent of Public Works of the village or the person performing such duties of the receipt of such notice.

§ 182-8. Effect on other provisions.

Nothing contained in this Article shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these causes of action, but on the contrary, the provisions of this Article shall be held to be additional requirements to the rights to maintain such action, nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the village, its officers and employees and/or any of its improvement districts any greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.