

Bill 2025-B.1. A local law to provide for the maintenance of private roads.

Section one. Purpose and Intent.

- A. Properly maintained roads or rights of way which are in private ownership, but which are regularly used for vehicular traffic by the owner(s) and other persons, are declared to be of importance to the health and safety of the inhabitants of this Village and users of such private roads. The safeguarding of the public against unwarranted dangers and hazards which may exist if such road is deemed essential to the economy of the Village and to the general welfare and well-being of its inhabitants and members of the general public. Improperly maintained private roads are detrimental to the health, safety and general welfare of the Village, and of person and vehicles traveling over such roads. Such conditions create serious hazards, increasing the risk of injuries to passengers in motor vehicles, pedestrians and property.
- B. It is the intention of this law to provide minimum standards for maintenance of private roads in the Village of North Hills, and to provide methods for enforcement of such standards in addition to any other provisions which may presently exist in the Village Code or otherwise. It is further the intention of this law that the Village, in its sole discretion, may pursue any of such enforcement provisions individually, or in any combination.

Section two. The Code of the Village of North Hills is hereby amended, by adding thereto a new section, to be section 172-3.2, read as follows:

"Section 172-3.2. Maintenance of private roads.

- A. Definitions. As used in this section, unless the context or subject matter clearly requires otherwise, the following terms shall have the indicated meaning:

- (1) 'Owner'. Any person or entity having title to real property in the Village of North Hills on which a private road is located, or which abuts a private road.

- (2) "Private Road". Every road, lane, way, right of way, street, path or other place in private ownership which is open to free, and unrestricted use and/or general right of passage by the public for motor vehicle traffic, or which provides vehicular access to two or more properties, or is used for vehicular travel by the owner of such property and by others having express or implied permission from the owner.
 - (3) "Roadway". That portion of a private road ordinarily or regularly used for motor vehicle, bicycle, or pedestrian traffic.
- B. Every owner of a private road, or any part thereof, within the Village of North Hills shall be required to maintain that portion of such private road which is located on or abuts the property of such owner.
- C. Maintenance standards. It shall be unlawful for an owner to permit one or more of the following conditions to exist on the portion of a private road located on, or abutting, the property of such owner:
- (1) Potholes which are three or more inches deep or eight or more inches in diameter, or are so numerous as to constitute a hazard to traffic on such portion of the private road.
 - (2) Dust stirred up by traffic during the normal use of the private road, creating a risk of impairing the vision of persons operating vehicles using the private road.
 - (3) Mud. Road conditions which cause or permit the splashing of mud during the normal use of the private road, such as to impair impairing the vision of motorists using the private road or creating a risk of motor vehicles becoming stuck.
 - (4) Dust conditions, exceeding reasonably acceptable levels, particularly on unpaved surfaces.
 - (5) Obstructions of traffic. No obstruction of traffic, nor any condition which would impair or impede the passage of vehicles, pedestrians or bicycles, may exist or continue on any private road. Roadside vegetation shall be maintained in a manner as to prevent obstruction of sight distance for safe passage.

- (6) Maintain acceptable smoothness for user comfort and operating speed, taking into account the nature of the particular road and the extent to which it is used by vehicles.
- (7) Drainage facilities, such as culverts and ditches, shall be kept functional to prevent blockage and/or environmental damage.

D. Grading, drainage and paving standards.

- (1) All private roads shall be crowned so that the center of the private road is at least six inches higher than either of the edges of the roadway. It shall be unlawful for the owner to permit the road to be in a condition whereby standing water collects on the road.
- (2) Materials. All private roads shall be paved with or have a minimum base of 18 inches of bank-run gravel and a minimum of six inches of crusher-run gravel top. Private roads which are not paved or covered with gravel as hereinabove provided shall be unlawful.

E. Enforcement Officer. The Superintendent of Building Department shall be the Enforcement Officer of this section, except that appearance tickets for violations of this section may be issued by any person authorized by law to issue such appearance tickets in the Village.

- (1) Duty to inspect, service of notice. The Enforcement Officer shall from time to time inspect private roads within the Village as deemed reasonably necessary based upon the Enforcement Officer's knowledge of conditions on such private roads. Upon determining that a private road is not being maintained, improved or repaired in accordance with the requirements of this section, the Enforcement Officer may serve a written notice upon the owner or owners, either by personal delivery, or by regular and certified mail, return receipt requested, demanding compliance with the provisions of this section.

(2) Contents of notice. Such notice shall specify the work to be performed in order to remediate such violation, and provide a reasonable time within which to complete the work, which in no event shall exceed thirty (30) calendar days, except when weather or other conditions make performance of the work within such period of time impracticable.

(3) Extensions of time.

a. One request for extension of the time for completion of such work may be granted by the Enforcement Officer for good cause shown when deemed appropriate by the Enforcement Officer, provided that such request shall be made in writing, filed with the Enforcement Officer prior to the expiration of the time in which the work is required to be completed. No such extension shall exceed an additional period of thirty (30) calendar days.

b. For good cause shown, and upon written application filed with the Village Clerk prior to the expiration of the extended time in which the work is required to be completed, the Board of Trustees may, in its sole discretion, grant one or more additional extensions of time to complete such work. Any such application shall be accompanied by payment of such fees as is established by the Board of Trustees, as set forth in the Village Schedule of Fees. Such additional extensions of time granted by the Board of Trustees may include reasonable conditions as determined by the Board of Trustees, including the payment of penalties in the event of failure of timely completion, or the posting of a surety bond or cash deposit to assure the timely completion of the work.

F. Failure of owner or owners to comply. Upon the failure of the owner or owners to complete required work within the designated time to do so, the Enforcement Officer shall promptly make a written report thereof to the Board of Trustees. The Enforcement Officer may also institute such proceedings as may be reasonable and proper for enforcement of this section.

G. Violations. Any person, firm or entity who or which violates any provision of this section shall be guilty of a violation and, upon conviction thereof, shall be punishable for each such offense by a fine of not more than \$1,000. Each week, or part thereof, in which a violation occurs or continues shall constitute a separate violation. In addition to any other penalty which may be provided by law, the Board of Trustees may authorize enforcement of the provisions of this section by civil action for any remedy available in law or equity, including a civil action for injunctive relief, fines and/or damages. "

Section three. Separability. The provisions of this local law are separable, and if any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section four. This local law shall not apply to any pending prosecution for any violation of the Code of the Village of North Hills, nor to any prosecution for any such violation which may have occurred prior to the effective date of this local law. Each such prosecution shall proceed and continue, and in the event of a conviction for such violation the applicable penalty for such violation shall be as provided in the Village Code as of the date of such violation.

Section five. Effective Date. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.