

Village of Boyceville Municipal Code – Title 6

TITLE 6 - PUBLIC WORKS

CHAPTER 1: GRADES

Sec. 6-1-1 Establishment of grades.

(a) *Grades to be established.* The Village must establish the grade of all streets, alleys, and sidewalks, which Public Works must record before any work commences.

(b) *New sidewalk grade.* Sidewalks may not be installed unless a grade and line are established therefor. If grades are unavailable, sidewalks may be installed, but they must be removed, modified, or replaced to conform to grades and lines when established by the Village at the sole cost of the property owner abutting the sidewalk.

Sec. 6-1-2 Alteration of grade prohibited.

The grade of any street, alley, sidewalk, or public ground or any part thereof may not be altered unless authorized by the Village Board or Director of Public Works and recorded by the Village clerk-treasurer.

Sec. 6-1-3 Regulation of underground utilities.

(a) *Elevation.* The grade or elevation of all underground construction must be a minimum of three feet below the established grade of the street, alley, park, public property, or easement. The three feet is measured between the top of the established grade and the top of the underground construction.

(b) *Approval of location.* The location of underground construction must be approved by the Director of Public Works.

(c) *Filing plans.* Complete construction plans must be filed with and approved by the Director of Public Works before construction commences.

(d) *Inspection.* On request, the utility company must provide the Director of Public Works an opportunity to check any construction before it is covered up.

(e) *Conflict with other utilities.* If the grade or elevation established herein conflicts with other existing utilities, the utility must be lowered to the elevation of its underground construction, or of the storm sewer, at the elevation directed by the Director of Public Works.

(f) *Establishment of grade.* At the request of the utility company, the Director of Public Works must give the utility company an established grade on any streets, alleys, public parks, or easements where the company proposes to install underground utilities.

(g) *Emergency.* In case of an emergency, when immediate action is necessary to protect life or property, the utility company must proceed with underground construction subject to obtaining the approval of such work by the Director of Public Works as soon as reasonably possible.

(h) *Restoration of surface.* In the event of underground construction, the utility company must leave the surface of the ground, or road, in the same condition as before the work commenced; if not, the Village may have the surface of the ground or street fixed at the utility company's expense and in compliance with sections 6-2-3 and 6-2-4.

(i) *Non-relief from obligations.* Compliance with this section does not relieve the utility company from any responsibility or liability by reason of the widening of the travel way, or any other improvements which may become necessary. Compliance with this section does not relieve the utility company from the responsibility or obligation of removing, relocating, or moving any of its mains, pipes, or property due to the opening, widening, or improving of streets, or due to any other changes occurred by reason of which moving, relocation, or removing may be necessary.

CHAPTER 2: STREETS AND SIDEWALKS

Sec. 6-2-1 Removal of rubbish and dirt from sidewalks.

Property owners and occupants may not allow litter, garbage, or dirt to accumulate on the sidewalk abutting their premises. If owners or occupants refuse or fail to comply, the Village may remove the accumulation and report the cost thereof to the Village clerk-treasurer who will spread the cost on the tax roll as a special tax against the premises, or the cost may be recovered in an action against the owner or occupant.

Sec. 6-2-2 Construction and repair of sidewalks; cost of curb and gutter.

(a) *Village may order.* The Village may determine that sidewalks, curbs, and gutters may be constructed, rebuilt, or repaired along or upon any public road within the Village. The Village may determine or change the width or grade of any street or sidewalk.

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(b) *Apportionment of sidewalk costs.* When the Village rebuilds or reconstructs a sidewalk, the property owner incurs expense. The developer must install sidewalks in new subdivisions.

(c) *Permit required.* A permit from Public Works, obtained at least three days in advance, is needed before anyone commences work on a sidewalk. This section shall not apply to anyone performing work under contract for the Village or under orders from the Village. A fee does not apply for this permit.

(d) *Standard specifications for sidewalks.*

(1) *General.* Concrete sidewalk construction must meet the specifications and provisions set forth in this section and be constructed in locations and to line and grade as established by the Village.

(2) *Grading.* Prior to construction, the contractor must bring the ground within three inches of subgrade.

(3) *Subgrade.* Subgrade must be three inches of sand fill, thoroughly and uniformly compacted and brought to correct grade and thoroughly wet down immediately before concrete is placed. Soft and unsuitable subgrade material must be removed and replaced with sand or other satisfactory material, and the subgrade must be thoroughly and uniformly compacted and moistened immediately before the concrete is placed.

(4) *Concrete.* The minimum quantity of cement per cubic yard must be six 94-pound sacks. Concrete must be mixed for at least one minute. Gravel must be good quality and washed. Concrete must test 2,000 pounds compression in 28 days. Bituminous sidewalks are prohibited.

(5) *Jointing.* Expansion joints one-half inch thick and four feet wide must be placed at 50-foot maximum intervals. Where a sidewalk intersects with another walk or curb, there must be a one-half-inch explanation.

(6) *Slope.* To provide adequate drainage, the sidewalk must slope toward the curb at a minimum rate of one-fourth inch per foot of width of sidewalk. All joints and edges must be finished with a one-fourth-inch radius edging tool. Sidewalks must be constructed within the limits of the street, and unless otherwise specifically indicated, there must be a six-inch strip of street property left between the property line and the edge of the sidewalk.

(7) *Width and thickness.*

a. All residential sidewalks must be four feet wide.

b. The width of sidewalks in commercial areas must be determined by the Village.

c. Residential walks may be not less than four inches thick except within driveway approaches where the minimum thickness must be six inches. Sidewalks in front of commercial or industrial establishments must not be less than five inches in thickness, except within driveway approaches where the minimum thickness must be seven inches.

d. One-half-inch reinforcement rods must be used when replacing or repairing sidewalks over alley entrances.

(8) *Finishing.* The concrete must be struck off true to grade, finished smooth and given a broom finish. All edges must be rounded. No tool marks may be left on exposed surfaces. In case of rain, the walk must be covered to protect the surface from being damaged. Walks must be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50 degrees F.) for 96 hours. No concrete may be poured when the temperature may be expected to fall below 35 degrees Fahrenheit in any 72-hour period or upon frozen subgrade.

(9) *Curing.* Concrete must be kept moist by sprinkling, covering or a combination of both for a minimum of five days.

(10) *Higher standards.* The Village may require higher sidewalk standards.

(e) *Repair or replacement of defective sidewalks.*

(1) If Public Works determines that a sidewalk is unsafe, defective, or insufficient, Public Works may require repair or removal and replacement with a sidewalk in accordance with this section. A sidewalk is unsafe, defective, or insufficient if one or more of the following applies:

a. Three-fourths inch or more vertical differential between adjacent sharp-edged individual sidewalk blocks (crack in slab) and between adjacent round-edged individual sidewalk blocks (joint).

b. 1¼-inch horizontal distance between adjacent individual sidewalk blocks.

c. Deterioration of the surface to a vertical depth of one-half inch or more within each individual sidewalk block.

(2) If 80 percent of a property owner's sidewalk blocks are determined to be defective or insufficient, the entire sidewalk must be replaced.

(f) *Illegal sidewalks.* The Village may order replacement of sidewalks that are not in conformance with this section.

Sec. 6-2-3 Excavations of streets, alleys, public ways, and grounds.

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- (a) *Permit required.* A permit from Public Works is required to make or cause to be made any opening on public property.
- (b) *Application for permit.* The permit application must be in writing and signed by the applicant with sufficient information describing the proposed work including the general location, nature of the work, and the method the applicant proposes to use.
- (c) *Exception.* The provisions of this section do not apply to Village excavation work done under the direction of the Village Board or Director of Public Works.
- (d) *Village standards; fees.*
- (1) *Village standards.* All street work must be performed in accordance with the current standard specifications for street openings found in this section and section 6-2-4. Any damaged curb and gutter, sidewalk, or grass-covered area must be restored to the condition it was in prior to the damage.
 - (2) *Fee.* The fee for a street opening permit is the amount in the Village fee schedule plus actual Village expenses. Permit fees are paid to the Village clerk-treasurer who issues a receipt.
- (e) *Insurance required.* The applicant must have, and promise to maintain, for the duration of the project, public liability insurance for a minimum of the following: \$500,000 per person, \$500,000 per accident, and property \$500,000 for property damage.
- (f) *Bond.*
- (1) Prior to receiving a permit, the applicant must submit a statement that the applicant will do all of the following:
 - a. indemnify and save harmless the Village and its officers from all liability for accidents and damage caused by any of the work covered by the permit;
 - b. fill in any excavations and openings made in the street and left in safe condition,
 - c. replace and restore the pavement over any openings made and left in safe condition;
 - d. pay all forfeitures imposed for any violation of any rule, regulation, or ordinance governing street openings or drain laying adopted by the Village Board;
 - e. repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules, and regulations of the Village; and
 - f. pay all costs of making such repair and of maintaining the same for one year.
 - (2) The permittee must immediately replace all faulty work or materials upon notice by the Village. Failure to correct deficiencies results in a one-year revocation of the right to obtain a street opening permit. The Village will then repair the deficiencies and bill the permittee for all labor, materials, and equipment used plus 20 percent for administration.
 - (3) The permittee is responsible for the work completed for up to one year after completion and must file a written guarantee or surety bond in an amount determined by the Village Board.
 - (4) If the Village finds defective work within one year of completion, it must give written notice thereof to the contractor or to the surety indicating the defect, the work needed, the cost thereof, and the period the board considers reasonably necessary to complete the work. After receipt of notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Village for the cost of doing the work set forth in the notice.
 - (5) An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which may be conditioned as specified above and in the amount determined by the Village Board necessary to adequately protect the public and the Village.

Sec. 6-2-4 Regulations governing excavations and openings.

- (a) *Frozen ground.* No openings in the streets, alleys, sidewalks, or public ways are permitted between November 15 and April 1 except where the Director of Public Works determines it is an emergency excavation.
- (b) *Protection of public.*
- (1) Every opening and excavation must be enclosed with sufficient barriers, signing, and such other traffic control devices required by the Village and in accordance with the Manual of Uniform Traffic Control Devices. Sufficient warning lights must be used from sunrise to sunset. No open flame warning devices may be used. Except by special permission from the director of public works, no trench may be excavated more than 250 feet in advance of pipe or conduit laying nor left unfilled more than 500 feet from where pipe or conduit has been laid.
 - (2) All necessary precautions must be taken to guard the public from accidents and property damage for the duration of the work. Each person making openings are liable for any damages, including costs incurred by the Village in defending any action brought against it for damages, including costs of an appeal resulting from negligence.

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- (3) Unless otherwise approved, a minimum of one lane of traffic in each direction must be provided. Every effort must be made on the part of the permittee to provide reasonable access to all properties adjacent to the project. If traffic is limited to less than one lane in each direction, a flagman or temporary traffic control signal must be provided to safely cycle traffic in each direction past the work area.
- (4) The permittee must perform the work a manner to minimize the disruption of traffic flow and to provide safety for workmen or passersby. The permittee is responsible for preventing traffic backup during construction operation. The permittee must notify the director of public works 24 hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in subsection (h) of this section.
- (5) When the operations result in the loss of any utility service to private properties, the private properties must be notified in writing or by personal contact at least 12 hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in subsection (h) of this section.

(c) *Pavement removal.*

- (1) Removal of existing pavement must have neat, straight lines. The permittee must make a final saw cut in the existing pavement after backfilling. Excavations must be kept to the minimum possible and acceptable for the convenience and safe performance in accordance with all applicable codes and regulations.
- (2) If pavement is damaged beyond the original saw cut lines, it must be saw cut again along neat, straight lines. The finished saw cut must leave a regular rectangular section for pavement replacement. If the street opening occurs within adjacent or close to an existing patch or require more than one opening within a short distance, the permittee must identify and locate the existing patches or additional openings on the permit application form. The Director of Public Works will approximate the boundaries of the pavement replacement area after an on-site inspection.
- (3) Pavement replacement areas with the long dimension in the direction of travel must have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements must be parallel with or at right angles to the direction of travel.
- (4) The Director of Public Works may order the permittee to remove and replace up to one full lane width of pavement along the patched or excavated area. Special care must be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.

(d) *Excavation.* All excavated material and backfilling material must be piled in a way that pedestrian and motor traffic is minimally disrupted. Gutters and natural watercourses must be kept clear.

(e) *Backfilling.*

- (1) All backfill material must be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks, or stones greater than eight inches in their greatest dimension, frozen lumps, or other material that the director of public works finds unsuitable.
- (2) If there is insufficient material for refilling, the director of public works may approve any other material used for the deficiency.
- (3) Wherever an excavation crosses an existing utility, pipe, or other structure, backfill must be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas, or other service may not be interrupted by the permittee. The permittee is responsible for locating and marking utilities prior to excavation.
- (4) Mechanical compaction must be used on all materials used for trench backfill. Each layer (12-inch maximum) must be uniformly compacted to a dry density of at least 95 percent of the maximum dry density as determined by the Modified Proctor Test (ASTM-1557). Compaction or consolidation by flooding is not permitted.
- (5) All excavations are subject to Village testing. Backfilled material not achieving the compaction requirements provided in subsection (e)(4) of this section must be removed and recompacted by the permittee. The permitted must pay the cost of any retesting.
- (6) When the sides of the trench do not stand perpendicular, sheathing and braces must be used to prevent caving. Timber, bracing, lagging, sheathing, or other lumber may not be left in any trench. Street pavements are not permitted to overhang the excavation.

(f) *Notice.* Before commencing the work, the permittee must provide at least one business day notice to the Public Works, Police Department and/or Dispatch, and anyone who may be affected by the work. The permittee must also provide at least a four-hour notice to the Director of Public Works prior to backfilling and/or restoring the surface.

(g) *Pavement replacement.*

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- (1) Backfill material must be left below the original surface to allow for four inches of three-inch crushed stone and four inches of three-quarter-inch crushed stone, plus the thickness of the required pavement structure. If paving does not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation must be backfilled with compacted three-quarter-inch crushed stone.
- (2) Bituminous pavement must be placed the full depth of the existing pavement or 2½ inches, whichever is greater. Bituminous pavement must be placed in a maximum of a 1 1/2-inch base layer and a one-inch top layer, with each layer compacted to maximum density and consist of state department of transportation gradation No. 1 for the binder course and state department of transportation gradation No. 3 for the surface course. The finished surface must be smooth and free of surface irregularities and match the existing pavement and any castings or street appurtenances. Allowable deviations must not be more than one-quarter inch as measured with a ten-foot straight edge.
- (3) Concrete pavement must be placed to the full depth of the existing pavement or seven inches, whichever is greater. Concrete must not contain calcium chloride. The surface must have a light broom finish. The edges must be tooled to prevent spalling at the saw cut edge. The surface must be evenly and completely sealed with a white pigmented curing compound. The surface must be protected from traffic for a minimum of three days. Tie bars must be installed as directed by Village officials.
- (4) In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation must be temporarily resurfaced with a minimum of three inches of cold mix bituminous material. This temporary wearing surface must be compacted and rolled smooth. These temporary wearing surfaces must be removed and replaced with material as specified above by not later than the following June 1, except as provided above. Permanent pavements must be replaced within 60 days of the date of the permit.

(h) *Emergency excavation.* In the event of an emergency, anyone controlling a sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without an excavation permit, provided Public Works is immediately notified and an excavation permit is obtained the following business day.

(i) *Excavation in new streets limited.* If the Village determines the need for permanent improvement or repaving of any street, the Village Board must determine the need for the work 30 days before the work commences. Public Works will notify in writing each person, utility or other agency owning or controlling any sewer, water main, conduit or other utility in or under the street or any real property abutting the street, that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, permits may not be issued to open or excavate the street for a period of five years after the date of improvement or repaving unless, the Village Board or its designee, finds that conditions exist that make it essential that the permit be issued. Every effort must be made to place gas, electric, telephone, and television cable lines in street terraces.

Sec. 6-2-5 Obstructions and encroachments.

(a) *Obstructions and encroachments prohibited.* No person may encroach upon or obstruct any publicly used property except as provided in subsections (b) and (c) of this section.

(b) *Exceptions.* The prohibition of subsection (a) of this section does not apply to the following:

- (1) Temporary encroachments or obstructions authorized by permit under section 6-2-6, pursuant to Wis. Stats. § 66.045.
- (2) Building materials for the period authorized by the building inspector that do not obstruct more than one-half of the sidewalk or more than one-third of the traveled portion of the street and do not interfere with the flow in the gutters.
- (3) Excavations and openings permitted under sections 6-2-3 and 6-2-4.

(c) *Standards.* Property owners may place certain fixtures on sidewalks which immediately adjoin their property if the following requirements are met:

- (1) The property must be in an area used for commercial uses.
- (2) Fixtures may not be physically attached to the sidewalk, any street fixture, or any adjacent building.
- (3) The placement of the fixtures may not significantly impede the flow of pedestrian traffic on the sidewalk. The fixtures may not reduce the unobstructed sidewalk width to less than three feet at any point.

(d) *Removal by Village for sidewalk obstructions and encroachments.* In addition to any other penalty imposed, if any Village official determines that a sidewalk is unlawfully obstructed in violation of this section, notice must be issued to the owner or occupant of the premises that adjoins the obstructed sidewalk directing that the obstruction be removed within 24 hours.

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(e) *Removal by Village for obstruction and encroachments located in the Village streets, alleys, public grounds, or lands dedicated for public use.* In addition to any other penalty imposed, if any Village official determines that a Village street, alley, public grounds or land dedicated for public use is obstructed or encumbered, notice must be issued to the property owner of the premises that adjoins the obstructed public area directing that the obstruction be removed within 24 hours.

(f) *Failure to remove obstruction.*

- (1) If the owner or occupant fails to remove the obstruction within the time established in subsection (d) or (e) of this section respectively, any Village official may remove the obstruction, while keeping an account of the expense of the abatement, and bill the property owner for the expenses, who has ten calendar days from receipt thereof to make payment. If the expenses remain unpaid for sixty (60) days, the Village clerk-treasurer will then enter those charges onto the tax roll as a special tax as provided by the state statutes.
- (2) The failure of the Village clerk-treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice must not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this section.

Sec. 6-2-6 Street privilege permit.

(a) *When required.* Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Director of Public Works or for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this section and has obtained a building permit if required by this Code. Public Works may attach conditions to the permit, including proof of liability insurance.

(b) *Bond.* Street privilege permits may not be issued until the applicant executes and files a bond in an amount determined by the director of public works not exceeding \$10,000.00 with the clerk, conditioned that the applicant indemnifies and saves harmless the Village from all liability for accidents or damage caused by reason of operations under the permit, agrees to remove the encumbrance upon termination of the operations, and leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from the operations. Upon request, the Village Board may waive this requirement.

(c) *Fee.* The fee for a street privilege permit must be in the amount provided in the Village fee schedule, plus any actual Village costs.

(d) *Conditions of occupancy.* The permission to occupy or obstruct the streets, alleys, sidewalks, or public grounds is intended for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and must be given upon the following terms and conditions and subject to revocation without notice by the Village Board, Director of Public Works, Chief of Police, or Building Inspector or their designee for violation thereof:

- (1) Such temporary obstruction may not cover more than one-third of any street or alley.
- (2) Obstructions must be sufficiently lighted at night to be in full view of the public from all directions.
- (3) Sidewalk traffic must not be interrupted, but temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
- (4) The process of moving any building or structure must be as continuous as practicable until completed and, if ordered by the Village Board, must continue during all hours of the day and night.
- (5) No building or structure may remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
- (6) Buildings may be moved per the route prescribed by the Village Board.
- (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit must be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the permittee's expense.

(e) *Termination.* All street privilege permits automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified by the Village clerk-treasurer.

(f) *Removal by Village.* In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk removes or neglects to remove such obstruction within 24 hours after such notice from the Village to do so, the Village must remove the obstruction. The Village clerk-treasurer will enter the costs on the next annual tax roll as a special charge against the property abutting the obstructed sidewalk, and the sum will be levied and collected as other special taxes against real estate.

Sec. 6-2-7 Snow and ice removal.

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(a) *Snow and ice deposits.* No person may push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk, or public lands dedicated to public use. Any such deposits are considered a public nuisance as they affect the ability of motorists and pedestrians to safely travel. The Village may remove the snow and/or ice and the person responsible for a violation of this subsection may be charged the abatement fees and be cited and subject to penalties as set in Sec. 1-1-6.

(b) *Removal from sidewalks* Accumulations of snow and ice are a potential danger to pedestrians to travel and need to be cleared daily to allow safe passage. The property owner or occupant of any property with a sidewalk installed must keep the sidewalk and any curb ramp clear of all snow and ice. Sidewalks and curb ramps must be cleared of all accumulated snow and/or ice by 12:00 p.m. (noon) the day following an accumulation of snow or ice. Reasonable quantities of salt other lawful chemical melting agents or dirt may be used when ice is present, but only to the extent necessary for safe pedestrian travel. Salt, other chemical melting agents, and dirt shall not unreasonably accumulate on the sidewalk. The Village may remove the snow and/or ice from any property in violation of this subsection.

(c) *Fire hydrants.* Accumulations of snow and ice that block access to fire hydrants can slow down the ability for Fire Department personnel to use the hydrant in an emergency or other service-related needs. The owner or occupant of any property with a fire hydrant installed must clear snow and ice from blocking access to the hydrant by authorized personnel. Access to the hydrant must be provided by 12:00 p.m. (noon) on the following day an accumulation of snow and/or ice that blocks access. The Village may remove the snow and/or ice from any property in violation of this subsection.

(d) *Enforcement.* All Village police officers and other designated Village officials and employees are authorized and directed to enforce the provisions of this section.

(e) *Continued violations.* Each 24-hour period constitutes a separate offense under this section for enforcement purposes. Any property owner or occupant with three or more violations that result in the Village clearing snow and/or ice for violations of this section within one calendar year are a nuisance and may be cited and subject to penalties as set in Sec. 1-1-6 in addition to any service charges set forth in subsection (e).

(f) *Charges for service.* If the Village removes snow and/or ice placed in violation of subsection (a) or from a property in violation of subsections (b) or (c), the property owner will be assessed a charge in accordance with the Fine and Fee Schedule. Any past due amounts may be assessed as a special charge in accordance with Sec. 3-2-11.

Sec. 6-2-8 Terrace areas.

(a) *Definition.* "Terrace" means the area between the sidewalk and the street.

(b) *Noxious weeds; paving.* No one may allow noxious weeds, pavement, basketball backstops, structures, flag poles, or other objects in the terrace area unless approved by the Village.

(c) *Responsibility to maintain.* Property owners whose land abuts a terrace are required to maintain the terrace. Mailboxes on terraces must be free and clear of snow.

Sec. 6-2-9 Vaults.

Vaults and cisterns under sidewalks are prohibited.

Sec. 6-2-10 Requests for improvements.

Requests or petitions by Village property owners for new streets, street resurfacing, curbs and gutters, storm sewers, utility work and sidewalks must be presented to the Village Board on or before September 15 for consideration of installation in the following year.

Sec. 6-2-11 Unlawful dumping on streets.

It is unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, snow, ice, dirt, grass, leaves, construction waste, garbage or other offensive or noxious material in any public street, sidewalk, alley, or upon any public property or upon any property of another, without the express permission of the owner or occupant thereof.

Sec. 6-2-12 Obstruction of public ditches.

No person may obstruct or cause obstruction to the free passage of water in any public gutter, ditch, culvert, swale or drain or place or cause to be placed any rubbish, dirt, sand, gravel or any other matter or thing so that the same is likely to be carried by the elements into any public gutter, ditch, culvert, swale or drain.

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Sec. 6-2-13 Street numbers.

(a) *Buildings to have street numbers.* Each principal building in the Village must be assigned to an official street number by the Village clerk-treasurer. All lots and parts of lots in the Village must be numbered in accordance with a street numbering map on file in the office of the Village clerk-treasurer. Plats must be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.

(b) *Street numbers to be displayed.* The property owner must affix and maintain the official street number assigned to that building as provided in subsection (a) of this section. The physical numbers provided herein may not less than 2½ inches high that can easily and readily be seen from the public street upon which the building abuts. For buildings abutting also on a public alley, the street number must also be affixed in such location that it may be seen in like manner from such alley.

(c) *Noncompliance.* If the property owner does not attach the number within ten (10) days of receiving notice from the Village, a forfeiture as provided in section 1-1-6 may be issued.

CHAPTER 3: DRIVEWAYS

Sec. 6-3-1 Driveway permit required.

(a) *Purpose.* For the safety of the public, the Village must determine the location, size, construction, and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, if access is not deficient or dangerous to the public.

(b) *Permit required to construct, reconstruct, alter, or enlarge.* Driveways may not be constructed, reconstructed, altered, or enlarged without first obtaining a driveway permit. A driveway permit is not required when a new driveway is constructed in conjunction with the construction of a new principal structure because the driveway is included in the building permit.

(c) *Application.* Application for the permit must be accompanied with an accurate drawing of the portion of the proposed private driveway, the dimensions thereof, and a statement of the proposed materials. There is no fee for a driveway permit.

(d) *Application provisions.* All driveway permit applications must contain the applicant's statement that:

- (1) The proposed driveway's purpose is only for accessing the property and not for parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street, or for any other purpose.
- (2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
- (3) The permittee, successors or assigns, agrees to indemnify, and hold harmless the Village, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of the permit.
- (4) The Village is not responsible for removing snow, ice or sleet or other material on driveways within the dedicated portion of the Village street.

Sec. 6-3-2 Driveway location, design, and construction requirements.

(a) *General requirements.* The location, design, and construction of driveways must comply with the following:

- (1) *General design.* Private driveways must not interfere with street intersections, traffic controls, street signs, or utilities. A driveway must be constructed so vehicles approaching or using it have adequate sight distance along the street.
- (2) *Number.* Each property may only have one driveway except if permitted by the Village Board due to safety, convenience, and utility of the street.
- (3) *Drainage.* Driveways connecting with rural street sections must slope downward and away from the road shoulder for a distance to preclude ordinary surface water drainage flowing onto the street roadbed.
- (4) *Reconstruction of sidewalks and curb and gutter.* When the construction of a driveway requires the removal of a curb or gutter, the new connections must be of equivalent acceptable material, and curb and road surfaced must be restored in a neat, workmanlike manner. All driveway construction must include the replacement of inadequate sidewalks.
- (5) *Restricted areas.* The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:

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- a. The filling or draining grades must be approved by the Village and, except where highway drainage is by means of curb and gutter, water drainage of the area must be directed away from the street roadbed in a suitable manner.
- b. Culvert extensions under the restricted area must be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
- c. Where there is no street side ditch that separates the restricted area from the street roadbed, permanent provision may be required by the Village Board to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail, or posts.

- (6) *Relocation of utilities.* Any costs of relocating public utilities is the property owner's responsibility. The Village Board must authorize any utility relocation.
- (7) *Construction across sidewalks.* All driveway entrances and approaches which are constructed across sidewalks must be of concrete constructed in accordance with the requirements for sidewalk construction in section 6-2-2.
- (8) *Variances.* Any of the above requirements may be varied by the Village Board in instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the requirements of subsections (a)(1) through (8) of this section impossible or impractical.

(b) *Special requirements for commercial and industrial driveways.* The following regulations are applicable to driveways serving commercial or industrial establishments:

- (1) *Width of drive.* No part of a private driveway located within the dedicated area of a public street may, except where provided, have a width greater than thirty (30) feet measured at right angles to the center line of the driveway, except as increased by permissible distances. In instances where the nature of the commercial or industrial activity or the physical characteristic of the land requires a driveway of greater width than specified, the Village Board may permit a driveway of additional width.
- (2) *Angular placement of driveway.* The angle between the center line of the driveway and the curb line must not be less than 45 degrees.

(c) *Special requirements for residential driveways.* The following regulations are applicable to driveways serving residential property:

- (1) *Width of driveways.* Openings for vehicular entry and exit must be at least ten feet wide at the property line for residential properties but may not exceed 24 feet at the property line and 30 feet at the curb opening.
- (2) *Angular placement.* The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.

(d) *Appeal from permit refusal.* Anyone aggrieved by the Director of Public Work's refusal to issue a permit for a private driveway may appeal to the Village Board within twenty (20) days of the refusal.

(e) *Prohibited driveways.*

- (1) No person may allow any obstruction or structure within the limits of any public road except as permitted by this section. The term "structure" includes private driveways, a portion of which extends into any public road, highway, or street, and which is not in conformance with this chapter.
- (2) Driveways may not: be closer than ten feet to the extended street line at an intersection, provide direct entry or exit to or from the street intersection area, or occupy areas of the roadway deemed necessary by the Village for effective traffic control or for highway signs or signals.
- (3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street must meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- (4) Driveway aprons may not extend out into the street farther than the facing of the curb or into any gutter area. All driveway entrances and approaches must not interfere with the drainage of streets, side ditches, or roadside areas, or with any existing structure on the right-of-way.
- (5) Curbs, parapets, and retaining walls that rise above the grade of the driveway, may not extend beyond the culvert spanning the watercourse located in such public way.

(f) *Culvert construction and standards.*

- (1) *Size.* Culverts must be installed prior to construction work commencing. Pipes smaller than 12 inches in diameter (or equivalent elliptical or arch pipe) are prohibited. All culverts must be constructed of galvanized steel or reinforced concrete, and must be made of new manufacture, unless specifically authorized by the director of public works.
- (2) *Gauge.*

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- a. The minimum wall thickness for the galvanized steel pipe culverts must be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
15-24 inch	16
30-36 inch	14
42-54 inch	12
60-72 inch	10
78-84 inch	8

- b. The class of reinforced concrete pipe must comply with the following:

<u>Height of Cover</u>	<u>Class of Pipe</u>
0-2 feet	IV
2-3 feet	III
3-6 feet	II

- (3) *Drainage*. The culverts must be placed in the ditchline at elevations that ensure proper drainage. The property owner must keep culverts free of obstruction.
- (4) *Endwalls*. Culverts must be provided with a concrete or metal apron endwalls as directed by the Village engineer.
- (5) *Backfill material*. Backfill material must be of quantity acceptable to the director of public works. The minimum cover, measured from the top of the pipe to the top of the subgrade, must be six inches.
- (6) *Erosion control*. Erosion control measures must be implemented as necessary to control erosion, or as directed by the director of public works.
- (7) *Distance*. The distance between culverts under successive driveways must not be less than ten feet except as such restricted area is permitted pursuant to subsection (a)(6) of this section.
- (8) *Cost*. The property owner is responsible for the costs of installing the culverts.
- (9) *Appeal*. Variances may be requested by filing a written request with the Director of Public Works. The Director of Public Works shall render an opinion on the request before forwarding the request to the Village clerk-treasurer to place the matter as an agenda item for the Village Board's next meeting. The Village Board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary.

CHAPTER 4: TREES AND SHRUBS

Sec. 6-4-1 Statement of policy and applicability of chapter.

(a) *Intent and purpose*. It is the policy of the Village to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village:

- (1) To eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas;
- (2) To promote and enhance the beauty and general welfare of the Village;
- (3) To prohibit the undesirable and unsafe planting, removal, treatment, and maintenance of trees and shrubs located in public areas; and
- (4) To guard all trees and shrubs both public and private within the Village against the spread of disease, insects, or pests.

(b) *Application*. This chapter applies to trees and shrubs growing, hereafter planted in or upon public areas and terrace areas, all trees and shrubs growing or to be planted in or upon any private premises that threaten the life, health, safety, or welfare of the public or of any public areas.

Sec. 6-4-2 Adoption of state statutes.

Wis. Stats. §§ 27.09 and 86.03 are hereby adopted and incorporated herein by reference.

Sec. 6-4-3 Authority of Village forester to enter private premises.

The Village Board may designate someone to perform the duties of forester under Wis. Stats. ch. 27 and may authorize such forester to perform the duties and exercise the powers imposed on the Village Board by this chapter.

Sec. 6-4-4 Interference with the Village forester prohibited.

No person may interfere with the Village forester or the authorized representative while engaged in carrying out any work or activities authorized by this chapter.

Sec. 6-4-5 Abatement of tree disease nuisances.

(a) *Dutch elm and other tree diseases a public nuisance*. Dutch Elm disease is spread by the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.). The Village intends to control and prevent the

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spread of such disease and the insect pests and vectors which carry such diseases and declares Dutch Elm disease and the elm bark beetles public nuisances.

(b) *Definitions.* The following words have the following meanings except where the context clearly indicates a different meaning:

(1) *Public nuisance* means:

- a. Fatal or deleterious tree diseases.
- b. Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.); Dutch Elm disease.
- c. Any living or standing elm tree or part thereof infected with the Dutch Elm disease fungus or in a weakened condition which harbors any of the elm bark beetles, *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).
- d. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.
- e. Any other deleterious or fatal tree disease.
- f. Any tree or part thereof which by reason of its condition and location is hazardous or dangerous to persons and property using or upon any public street, sidewalk, alley, park or other public or private place, including the terrace strip between curb and lot line.
- g. Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.

(2) *Public property* means property owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.

(c) *Inspection.*

- (1) The Village forester may inspect all premises and places within the Village to determine whether any public nuisance exists and any elm tree reported or suspected to be infested with the Dutch Elm disease or any elm bark bearing materials reported or suspected to be infested with elm bark beetles.
- (2) Whenever necessary to determine the existence of Dutch Elm disease or elm bark beetles in any tree, the inspector must remove or cut specimens from the tree in such manner as to avoid fatal injury thereto and deliver such specimens to the forester who will forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.
- (3) The inspector has authority to enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this section.

(d) *Abatement of nuisances; duty of forester.*

- (1) Following authorization by the Village Board, the forester will order, direct, and supervise the abatement of public nuisances by means necessary to prevent the spread of nuisance.
- (2) If the forester discovers a public nuisance, the forester must take immediate action to abate the nuisance.
- (3) Notice; order of abatement; failure to abate.
 - a. If the forester discovers that a public nuisance exists on private property, the property owner must be notified of the existence of the nuisance, which must include recommended procedures for abatement. If the property owner disagrees and within fourteen days of the notice, the property owner may appear at a hearing to show that a nuisance does not exist or does not endanger the health of trees.
 - b. If the Village Board determines at the hearing that a public nuisance exists, the board may order immediate abatement thereof within five days. The forester may extend an additional ten days. If the property owner fails to comply, the forester will abate the nuisance and the costs thereof will be assessed to the property owner.

(e) *Spraying.*

- (1) If the forester discovers a public nuisance, and with prior authorization from the board, the forester may have all trees within a 1,000-foot radius sprayed with an effective disease destroying concentrate or other insecticide.
- (2) The forester must give the public notice at least 24 hours in advance of spraying. If determined necessary, the forester may request to make and enforce temporary parking and traffic regulations as conditions require. Temporary "no parking" notices must be posted in each block of any affected street at least 24 hours in advance of spraying operations.
- (3) If subsection (e)(2) of this section is complied with, the Village will not allow any claim for vehicle damage caused by the spraying operations.
- (4) The forester will notify the owner of private property at least 24 hours in advance of spraying and proceed in accordance with the requirements of subsection (d)(3) of this section.

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Sec. 6-4-6 Assessment of costs of abatement.

(a) *Public premises.* The Village incurs the costs of abating any public nuisance or spraying any elm tree, or part thereof, located on property owned by the Village.

(b) *Private premises.* The cost of abating a public nuisance or spraying diseased trees located on private premises, including terraces, when done at the direction and under the supervision of the forester will be assessed to the property with the nuisance.

(c) *Costs.* The forester will keep a strict account of abatement and spraying costs and the amount chargeable to each lot or parcel and report accounts to the Village Board on or before October 15 of each year.

(d) *Notice.* Upon receiving the forester's report, the Village Board must hold a public hearing with at least 14 days' advance notice of the time, place, and purpose given to interested persons and by mail to the owner of each property proposed to be charged. Property owners must be notified of the work completed and amount proposed to be assessed against their premises for the work thereof.

(e) *Hearing.* After the hearing, the Village Board must affirm, modify, and affirm or disapprove the assessments by resolution and publish its decision. Upon adoption and publication of such resolution, assessments are deemed final.

(f) *Final Assessments.* The Village clerk-treasurer will mail notice of the amount of final assessments to property owners at their last-known address, stating that, unless paid within 30 days of the date of the notice, the assessment will be entered on the tax roll as a tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes apply to the assessment.

(g) *Damages.* The Village hereby declares that, in making assessments under this section, it is acting under its police power, and damages may not be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

Sec. 6-4-7 Planting of trees and shrubs.

(a) *Purpose.* The Village Board declares that the planting, care, and protection of the trees within the Village is desirable for the beauty, shade, comfort, noise abatement, and economic betterment.

(b) *Tree planting program.* The Village forester may recommend a program for tree planting, care, and protection for public parks. The board must also encourage the planting, care, and protection of trees and shrubs on private premises within the Village.

(c) *Cottonwood and box elder trees prohibited.* No person may plant any female tree of the species *Populus Deltoides*, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder *Acer Negundo*, which may now or hereafter become infested with Box Elder Bugs. If owners fail to remove any such tree within 30 days after receiving written notice from the forester, the Village may remove the tree and report the full cost thereof to the Village clerk-treasurer who enters the charge on the next tax roll as a special charge against the premises.

(d) *Planting of certain trees restricted.* No person may plant any Catalpa, Chinese Elm, White Poplar, Weeping Willow, Evergreen, Lombardy Poplar or any fruit or nut tree in or upon any public street, parkway, terrace, or other public place within the Village unless the forester grants permission. If the forester opines the tree is contrary to this chapter, the forester may remove the tree.

(e) *Planting.*

(1) Selection; method of installation.

- a. All new street trees must be selected from a list of approved trees compiled by the Village forester. No other species may be planted without the written approval of the Village forester. New trees must be single stemmed with a minimum diameter of 1¼ inches measured at six inches above ground level.
- b. The tree must be planted in a well-prepared hole at the same depth as it was originally growing. All trees less than 12 feet high must be staked. All trees 12 feet or more in height must be supported by guy wires in such a way as not to injure the bark. The support may be removed after a year.
- c. The tree must be kept well-watered and mulched or cultivated in a two-foot diameter around its base to conserve moisture and as a protection from lawn mower damage.
- d. The applicant must guarantee the good health of all trees planted hereunder for one year after which time the trees become property of the Village.

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- (2) Where required, curbs and sidewalks must be installed prior to street tree planting. Distance between the face of the curb and the outer edge of the sidewalk must be at least five feet. Trees must be planted halfway between the sidewalk and curb unless underground utilities prevent such planting. Trees may not be planted closer than two feet from the curb.
- (3) Trees may not be planted in the terrace closer than:
 - a. 20 feet to a utility or street lighting pole.
 - b. 15 feet to a driveway or alley.
 - c. Six feet to a fire hydrant, water stop box or gas shut-off. If possible, allow more distance than six feet.
 - d. 25 feet to the intersection of two streets from either corner measured on the property line.
 - e. 25 feet to another tree. If the other tree is an elm or other species which is damaged, injured, or diseased and will likely be removed in the future, then a 35-foot distance to the next nearest healthy tree must exist.
- (4) New street trees may not be planted over an existing tree stump within two years of removal unless the stump is removed to a depth of four feet
- (5) The property owner is responsible for locating underground utilities before digging.
- (6) Evergreen trees may not be planted in a terrace area.

(f) *Unlawfully planted trees.* Trees, plants, or shrubs planted within any terrace or planting easement without the authorization and approval of the forester may be removed. The forester will notify the abutting owner in writing, listing the unlawfully planted trees, plants, or shrubs, ordering their removal, and establishing a reasonable time within which to be removed. If the property owner fails to comply, the Village may remove such trees, plants or shrubs and assess the costs thereof to the owner.

(g) *Frames.* Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, for the propose of protecting such tree or shrub, may surround the same with a suitable box or frame for protection under the supervision of the Village forester.

Sec. 6-4-8 Trimming.

- (a) Any person growing a tree, plant or shrub on any private property abutting on public streets or public places must trim any part that the forester determines is diseased, insect ridden, or hazardous.
- (b) Property owners may arrange to have any tree, plant or shrub sprayed, trimmed, or removed by the Village and pay for the service at the rates established by the Village Board.
- (c) There must be at least a 14-foot clearance from the ground to lower branches projecting over a public road. The Village forester or Director of Public Works may waive the provisions of this section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any streetlight, or endanger public safety.
- (d) The necessity of the pruning may be determined by the Village forester or Director of Public Works.
- (e) There must be at least a seven-foot clearance from the ground to lower branches projecting over sidewalks and other public walkways.
- (f) Trimming or pruning of more than two-thirds of the crown is a major alteration and requires authorization from the forester.

Sec. 6-4-9 Trees and shrubbery obstructing view at intersection or view of traffic signs.

- (a) Property owners and occupants may not allow any trees or shrubbery to obstruct the view of motor vehicle operators or pedestrians approaching a traffic intersection, sign, or driveway.
- (b) If a property owner or occupant fails, within ten days of receipt of notice of sub (a), to take necessary steps, the Village may remove the interference at the costs of the property owner.
- (c) Anyone failing to obey the notice of the Village is subject to a forfeiture in section 1-1-6.

Sec. 6-4-10 Prohibited acts.

- (a) *Damage to public trees.* Unless a person has the consent of the private property owner or the Village forester for public land, a person may not:
 - (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.

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- (2) Break, injure, mutilate, deface, kill, or destroy any tree or shrub or permit any fire to burn where it might injure any tree or shrub.
- (3) Permit any toxic chemical, gas, smoke, oil, or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the same.
- (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water, and fertilizer.
- (5) Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Village may tie temporary signs to trees when necessary, in conjunction with street improvement work, tree maintenance work or parades.
- (6) Cause or encourage any fire or burning near or around any tree.

(b) *Excavations.* Trees located near any excavation or construction must be sufficiently protected by those responsible for the work to prevent any injury to the trees. Any excavation of ditches, tunnels or trenches, or installation pavement within a radius of ten feet from any public tree, requires a permit from the Village forester or Director of Public Works.

(c) No person may interfere with or prevent any acts of the forester, or designees, engaged in the performance of duties imposed by this chapter.

Sec. 6-4-11 Appeal from determinations or orders.

Any person who receives a determination or order under this chapter from the Village forester or Director of Public Works and objects to all or part thereof has seven days to appeal, subject to the provisions of Title 4, administrative review procedures, and Wis. Stats. § 68.001, to the Village Board. The Village Board must hear the appeal within thirty (30) days of receipt of written notice of the appeal. After the hearing, the Village Board has ten (10) days to make, and send to the appellant, a written decision including its reason, therefore. The decision must also be filed with the clerk-treasurer.